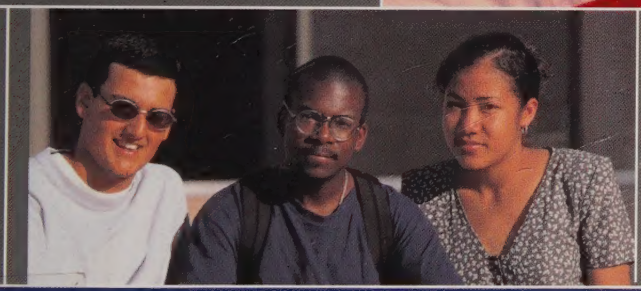


PRACTICING TEXAS POLITICS





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PRACTICING TEXAS POLITICS

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TEXAS SOUTHERN UNIVERSITY

DEPARTMENT OF POLITICAL SCIENCE

COURSE OUTLINES

Political Science 231 – American Political Systems I
and
Political Science 232 – American Political Systems II

EFFECTIVE FALL SEMESTER 2003

Marva Johnson
Texas Southern University

Theophilus Herrington
Texas Southern University

TEXAS SOUTHERN UNIVERSITY
DEPARTMENT OF POLITICAL SCIENCE

AMERICAN POLITICAL SYSTEMS I and AMERICAN POLITICAL SYSTEMS II

DESCRIPTION OF COURSES

POLITICAL SCIENCE 231
AMERICAN POLITICAL SYSTEMS I
3 semester hours
A study of national, state, and local governments including principles of American government, constitutions, federalism, political socialization, public opinion, interest groups, political parties, elections and local government. **(Not counted towards major or minor in Political Science)**

POLITICAL SCIENCE 232
AMERICAN POLITICAL SYSTEMS II
3 semester hours
A continuation of the study of national, state and local government including the executive, legislative and judicial branches, rights of the individual, economic policy and American foreign policy. **(Not counted towards major or minor in Political Science)**

REQUIRED PURCHASES

Lyle C. Brown, et al. Practicing Texas Politics, 12th edition. Boston: Houghton Mifflin Company, 2003. Study Guide included. ISBN 0618-420959

Thomas E. Patterson. The American Democracy, 6th edition Boston: McGraw Hill Custom Publishing, 2003. Study Guide on-line. See textbook for registration code.
ISBN 007-390803-7

AMERICAN POLITICAL SYSTEMS I
Description of Course

POLITICAL SCIENCE 231
(3 Semester Hours)

A study of national, state and local governments including principles of American government, constitutions, federalism, political socialization, public opinion, interest groups, political parties, elections and local government. **(Does not count towards major or minor in Political Science)**

GRADING SYSTEM

90	-	100	=	A	(4.00)
88	-	89	=	A-	(3.67)
86	-	87	=	B+	(3.33)
80	-	85	=	B	(3.00)
78	-	79	=	B-	(2.67)
76	-	77	=	C+	(2.33)
70	-	75	=	C	(2.00)
68	-	69	=	C-	(1.67)
66	-	67	=	D+	(1.33)
60	-	65	=	D	(1.00)
58	-	59	=	D-	(0.67)
0	-	57	=	F	(0.00)

PLEASE MAKE SPECIAL NOTE OF THE FOLLOWING

1. Political Science 231 and 232 are prerequisites for all other Political Science courses.

2. While the descriptions and outlines included herein serve as a general guide, professors have the prerogative to make assignments as deemed appropriate. Professors are not obligated to accept late assignments, give make up assignments or examinations, or assign the grade of Incomplete as a substitute for an F. When an Incomplete is assigned, it must be removed within one calendar year, or it remains on the student's record permanently.

3. Class Attendance
 All students are expected to attend their classes on a regular basis. Freshmen, sophomores and students on academic probation are especially encouraged to do so. Students who miss their classes are responsible for all course requirements, i.e., all examinations, reports, lectures and other assignments. The Political Science Faculty strongly believes that the presence of the student in the classroom or other class locations enhances the learning process, insuring opportunities for the exchange of ideas between students and faculty, thereby increasing the student's chances for successful learning experiences. (Adopted from Faculty Manual of October 2002)

4. Students are not to enroll in Political Science 231 and Political Science 232 simultaneously.

COMMON GOALS

1. To introduce our students to the nature of the American *ethos* and values in the American political system at the national, state, and local levels.

2. To examine social and economic institutions and their impact on American and Texas government and politics.

3. To examine the constitutional structure of American and Texas government.

4. To examine the relationship between national, state and local government.

5. To examine the nature and formation of political attitudes and public opinion.

6. To examine the role and function of interest groups, political parties and elections in American and Texas government and politics.

7. To evaluate, pragmatically and theoretically, the state of American democracy by combining an examination of the broad patterns of the political system with an assessment of the relationship of the people to the government.

POLITICAL SCIENCE 231
AMERICAN POLITICAL SYSTEMS I

OVERVIEW

I to VII	**THE SYSTEM OF GOVERNMENT**
I.	Introduction – American Political Culture
II.	Introduction concluded - The Environment of Texas Politics
III.	The United States Constitution
IV.	The Texas Constitution
V.	Federalism - Nature and Constitutional Basis
VI.	Federalism – Evolution, Expansion of National Power, and Devolution
VII.	Federalism concluded - Local Government
VIII TO XV	**MASS POLITICS: POLITICAL ATTITUDES, KNOWLEDGE AND ACTIVITY**
VIII.	Public Opinion and Political Socialization
IX.	Political Participation - National, State and Local
X.	Political Participation concluded
XI.	Political Parties - National
XII.	Political Parties - State
XIII.	Interest Groups - National
XIV.	Interest Groups - State

XV. Concluding Discussions

XVI. COMPREHENSIVE FINAL EXAMINATION

GENERAL OUTLINE

I to VIITHE SYSTEM OF GOVERNMENT

INTRODUCTION – NATIONAL AND STATE

Objectives

Students should be able to:

1. understand American politics holistically,

2. generally discuss politics, political change and political culture in the United States and specifically in Texas,

3. discuss the various concepts of democracy, compare democracies around the world and identify alternatives to democracy,

4. identify and differentiate between major types of ideologies, political systems and economic systems,

5. explain theories of power, who governs and the need for government,

6. identify and explain demographic features, social and economic policy issues that influence government, politics and public policy - national and state,

7. identify key historical developments that helped shape American political culture and examine whether it is important to care about whether government and society today preserves liberty and equality by adhering to a core set of principles and values,

8. explain how Americans compare to adults in other democracies as a political people and

9. use the political systems framework to write an analytical summary of the major concepts found in the introductory chapters.

Required

NOTE - Please adhere to the following for the duration of the course: In addition to preparing all required and suggested assignments each student is also to master the key/major concepts, objectives and key terms.

Introduction – American Political Culture

Thomas E. Patterson, The American Democracy, 6th edition (hereafter Patterson), *PREFACE for the Student: A Guided Tour, pp. xxv-xxxi* and chapter 1, American Political Culture: Seeking a More Perfect Union.
Complete the Self-Quiz, Patterson, chapter 1, p. 32

Introduction – The Environment of Texas Politics

Lyle C. Brown, et al., Practicing Texas Politics, 12th edition (hereafter Brown, et al.), chapter 1, The Environment of Texas Politics
Complete Part II, "Testing Your Knowledge", Study Guide: Practicing Texas Politics, chapter 1, The Environment of Texas Politics

Suggested Readings; Other Assignments

To be announced by Professor (hereafter TBA)

THE UNITED STATES CONSTITUTION

Objectives

Students should be able to:

1. discuss the reasons for and principles of the Declaration of Independence,

2. account for the failure of the Articles of Confederation,

3. discuss the origins and development of the United States Constitution,

4. explain the basic principles underlying the United States Constitution,

5. summarize the provisions of each article of the Constitution,

6. describe the formal and informal processes of constitutional change,

7. give an overview of the Amendments to the Constitution,

8. identify key historical developments that helped shape the ideology of the Framers, the ideology of their opponents, and the ideals of constitutional democracy in order to examine why we should care about whether government and society today promotes and protects the ideals of liberty, equality, activism, and self government,

9. explain how America compares to other democracies by examining the extent to which political power is restrained through constitutional mechanisms and

10. use the political systems framework to write an analytical summary of the major concepts in the chapter on constitutional democracy.

Required

Patterson, chapter 2, Constitutional Democracy: Promoting Liberty and Self - Government

Complete the Self Quiz, Patterson, chapter 2, p. 64

Suggested Readings; Other Assignments

Patterson, Appendixes, A – 1 to A-24

The Declaration of Independence, A-2 to A-4

The Constitution of the United States of America, A-5 to A-17

The Federalist Papers, Numbers 10 and 51, A-18 to A-24

TBA

THE TEXAS CONSTITUTION

Objectives

Students should be able to:

1. discuss the origins and development of constitutionalism in Texas,

2. understand the consequences of the Texas constitution for contemporary politics and policy,

3. understand the weaknesses and criticisms of the Texas Constitution,

4. describe the formal and informal process of constitutional change in Texas and

5. modify objectives 8 and 10 in the above section - The United States Constitution - to explain constitutional government in Texas in a more holistic way.

Required

Brown, et al., chapter 2, Federalism and the Texas Constitution, read "The Texas Constitution: Politics of Policymaking" to the end of the chapter
Complete Part II, "Testing Your Knowledge," Study Guide: Practicing Texas Politics, chapter 2, items that cover the Texas constitution

Suggested Readings; Other Assignments

Texas Bill of Rights
Patterson, chapter 18, State and Local Politics: Maintaining Our Differences (hereafter Patterson, chapter 18), pp. 565-569
TBA

FEDERALISM: FORGING A NATION

Objectives

Students should be able to:

1. define and differentiate between a unitary system, a confederate system, and a federal system,
2. explain the constitutional design of federalism,

3. describe the major periods in the evolution of American federalism including devolution,

4. discuss the nature and rise of federal assistance to state and local governments,

5. identify key historical developments that helped shape American federalism and examine why it is important to care about whether federalism has changed over the course of time in response to new political demands for liberty and equality,

6. explain how America compares to other nations when it comes to the day to day operations of federal and unitary systems and

7. use the political systems framework to write an analytical summary of the major concepts in the readings on federalism.

Required

Brown, et al., chapter 2, read section on "The American Federal Structure"
Patterson, chapter 3, Federalism: Forging a Nation
Complete Part II, "Testing Your Knowledge," Study Guide: Practicing Texas Politics, chapter 2, items that cover "The American Federal Structure."
Complete the Self – Quiz, Patterson, chapter 3, p. 94

Suggested Readings or Other Assignments

Review the Constitution of the United States of America, Articles I to IV, Article VI, paragraph 2 – the Supremacy Clause, Amendment 10 and Amendment 14, Patterson, A – 5 to A – 11; A – 13 to A – 14
Patterson, chapter 18, "The Great Balancing Act: Localism in a Large Nation," pp. 599-601
TBA

FEDERALISM: LOCAL GOVERNMENT

Objectives

Students should be able to:

1. discuss various types of local governments – e.g., municipal, county and special districts,

2. discuss the administrative bodies, methods of selection and function of various types of local government,

3. understand the nature and function of local elected officials,

4. describe the problems of local government and politics,

5. discuss metropolitan government - policy coordination and planning,

6. identify the various sources of revenue and types of public services provided by local governments and

7. modify objectives 5 and 7 in the above section - Federalism: Forging a Nation – to apply to local government.

Required

Brown, et al., chapter 3, Local Governments
Complete Part II, "Testing Your Knowledge," Study Guide: Practicing Texas Politics, chapter 3, Local Governments

Suggested Readings; Other Assignments

Patterson, Chapter 18, "The Structure of Local Government," pp. 577 - 583

TBA

VIII to XV MASS POLITICS: POLITICAL ATTITUDES, KNOWLEDGE AND ACTIVITY

PUBLIC OPINION AND POLITICAL SOCIALIZATION

Objectives

Students should be able to:

1. explain the connection between political socialization and public opinion,

2. explain and discuss the concept of public opinion, the frames of reference that guide political thinking and the degree and quality of ideological thinking in public opinion,

3. describe the methods of measuring public opinion,

4. understand the role of public opinion as it relates to public policy,

5. examine and evaluate the role and politics of the mass media relevant to political socialization and public opinion, with particular emphasis on increased concentration of media ownership and news production,

6. identify key means of political education and explain why it is important to care about its impact on opinion formation, ideologies and the promotion of liberty and equality as essential elements of American political culture,

7. discuss how American's knowledge of public affairs compares to that of citizens in other democracies and
8. use the political systems framework to write an analytical summary of the major concepts in the chapter on public opinion and political socialization.

Required

Patterson, chapter 6, Public Opinion and Political Socialization: Shaping the People's Voice
Complete the Self – Quiz, Patterson, p. 193

Suggested Readings; Other Assignments

Patterson, Chapter 10, The News Media: Communication Political Images

TBA

POLITICAL PARTICIPATION – NATIONAL, STATE, AND LOCAL

Objectives

Students should be able to:

1. examine and discuss the forms of political participation
 a. individual and group
 b. conventional and unconventional
 c. virtual,

2. analyze reasons for voting and nonvoting behaviors,

3. analyze the 2000 presidential contest and compare it to other presidential contests,

4. discuss and explain the functions of elections

5. explain the types of election – primary, second primary (run-off), general and special,

6. discuss the modern campaign machine and the strategy of winning,

7. understand the role of money in campaigns and the rules governing campaign finance,

8. identify factors that influence voters decision making,

9. explain the characteristics of Texas elections,

10. discuss social (political) movements as an alternative form of influence
 a. define, describe some of their characteristics and tactics, and identify persons most likely to populate such movements
 b. level of popular support and reasons for their success, decline or failure

11. identify key historical developments that have shaped political participation resulting in greater liberty and equality in America and discuss why one should care about the ongoing debate over whether voting, in particular, is an inalienable right or a privilege,

12. discuss how voter turnout in America compares to turnout in other democracies and

13. use the political systems framework to write an analytical summary of the major concepts in the chapters on political participation.

Required

Political Participation – National

Patterson, Chapter 7, Political Participation and Voting: Expressing the Popular Will

Complete the Self – Quiz, Patterson, p. 222

Political Participation - Texas

Brown, et al., Chapter 4, The Politics of Elections, and Parties

Read the section on "Voting" and the section on "Electoral Politics"

Complete Part II, "Testing Your Knowledge," Study Guide: Practicing Texas Politics, chapter 4, The Politics of Elections and Parties, items that cover "Voting" and "Electoral Politics"

Suggested Readings; Other Assignments

Edward S. Greenberg and Benjamin I. Page, The Struggle for Democracy, 6th ed, chapter 8, Social Movements, pp. 214-237

TBA

POLITICAL PARTIES – NATIONAL AND STATE

Objectives

Students should be able to:

1. explain what a political party is,

2. explain the historical development of American political parties,

3. discuss the functions of political parties,

4. explain the strengths and weaknesses of the American two party system,

5. describe party organization – national and state,

6. explain the role of ideology in American elections,

7. understand the role, limitations and possible competitiveness of the following in American politics:
 a. minor political parties
 b. racial and ethnic political parties
 c. gender based politics,

8. expand on objectives 2 through 6 above by focusing on whether Americans should be concerned about any potential threat to liberty and equality as a result of the simultaneous rise of the candidate centered campaign and declining levels of voter participation,

9. compare the nature of the electoral system in America and other democracies and determine what effect it has on party politics and

10. use the political systems framework to write an analytical summary of the major concepts in the chapters on political parties.

Required

Political Parties - National

Patterson, Chapter 8, Political Parties, Candidates, and Campaigns: Defining the Voter's Choice

Complete the Self – Quiz, Patterson, p. 257

Political Parties - State

Brown, et al., chapter 4, The Politics of Elections and Parties, begin at "Party Structure" and read through to the end of the chapter

Complete Part II, "Testing Your Knowledge," Study Guide: Practicing Texas Politics, chapter 4, The Politics of Elections and Parties

Suggested Readings; Other Assignments
Patterson, chapter 18, "Citizens, Parties, and Elections," pp. 576-577
TBA

INTEREST GROUPS – NATIONAL AND STATE

Objectives

Students should be able to:

1. explain how the interest group system can help convey the wishes of members to government decision makers,

2. describe the major types of interest groups - National and Texas,

3. discuss and assess issues related to inequalities of representation and resources - National and Texas,

4. identify and explain the techniques interest groups utilize to influence public policy - National and Texas,

5. explain why interest groups became a part of the American political landscape historically and whether society today should care about the tension between liberty and equality and the activities of interest groups,

6. compare the governmental structure of America and other democracies to determine whether organizational structure facilitates or impedes group access and influence and

7. use the political systems framework to write an analytical summary of the major concepts in the chapters on interest groups.

Required
Interest Groups - National
Patterson, chapter 9, Interest Groups: Organizing for Influence
Complete the Self – Quiz Patterson, p. 289

Interest Groups - State
Brown, et al., chapter 5, The Politics of Interest Groups

Complete Part II, "Testing Your Knowledge," Study Guide: Practicing Texas Politics, chapter 5, The Politics of Interest Groups

Suggested Readings; Other Assignments
Patterson, chapter 18, "The Politics of State and Local Policy," pp. 596-599
TBA

CONCLUDING DISCUSSIONS

Required Readings
TBA

Suggested Readings; Other Assignments
TBA

XVI. FINAL EXAMINATION
THE FINAL EXAMINATION WILL BE COMPREHENSIVE

Texas Southern University
Department of Political Science

American Political Systems II

Description of Course

Political Science 232
American Political Systems II 3 semester hours

A continuation of the study of national, state and local governments including the executive, legislative and judicial branches, rights of the individual and American foreign policy. **(Not counted towards major or minor in Political Science)**

REQUIRED PURCHASES

Lyle C. Brown, et al. Practicing Texas Politics, 12th edition. Boston: Houghton Mifflin Company, 2003. Study Guide included. ISBN 0618-420959

Thomas E. Patterson. The American Democracy, 6th edition. Boston: McGraw Hill Custom Publishing, 2003. Study Guide on-line. See textbook for registration code. ISBN 007-390803-7

AMERICAN POLITICAL SYSTEMS II
Description of Course

POLITICAL SCIENCE 232
(3 Semester Hours)

A continuation of the study of national, state and local governments including the executive, legislative and judicial branches, rights of the individual and American foreign policy. **(Not counted toward major or minor in Political Science)**

GRADING SYSTEM

90	-	100	=	A	(4.00)
88	-	89	=	A-	(3.67)
86	-	87	=	B+	(3.33)
80	-	85	=	B	(3.00)
78	-	79	=	B-	(2.67)
76	-	77	=	C+	(2.33)
70	-	75	=	C	(2.00)
68	-	69	=	C-	(1.67)
66	-	67	=	D+	(1.33)
60	-	65	=	D	(1.00)
58	-	59	=	D-	(0.67)
0	-	57	=	F	(0.00)

PLEASE MAKE SPECIAL NOTE OF THE FOLLOWING

1. Political Science 231 and 232 are prerequisites for all other Political Science courses.

2. While the descriptions and outlines included herein serve as a general guide, professors have the prerogative to make assignments as deemed appropriate. Professors are not obligated to accept late assignments, give make-up assignments or examinations, or assign the grade of Incomplete as a substitute for an F. When an Incomplete is assigned, it must be removed within one calendar year, or it remains on the student's record permanently.

3. Class Attendance
 All students are expected to attend their classes on a regular basis. Freshmen, sophomores and students on academic probation are especially encouraged to do so. Students who miss their classes are responsible for all course requirements, i.e., all examinations, reports, lectures and other assignments. The Political Science Faculty strongly believes that the presence of the student in the classroom or other class locations enhances the learning process, insuring opportunities for the exchange of ideas between students and faculty, thereby increasing the student's chances for successful learning experiences. (Adopted from Faculty Manual of October 2002)

4. Students are not to enroll in Political Science 231 and Political Science 232 simultaneously.

COMMON GOALS

1. To acquaint students with the process of formulating and executing policies.

2. To acquaint students with the United States Constitution both as the source of American federalism and as the basic source from which governmental institutions derive their power.

3. To acquaint students with the general features and structural patterns of the basic institutions of the national government, Texas government and state governments in general.

4. To examine the principles, processes and practical aspects of intergovernmental relations in America.

5. To survey the roles and functions of various branches of American government.

6. To acquaint students with the presence of hidden agendas in formulating and implementing government policy – domestic and international.

7. To give students the background to evaluate political actors in formal and informal governmental institutions, i.e., formal and informal factors in the selection process, and the influence of internal and external forces before and after election.

8. To acquaint students with how American government differs from governments in other countries and to evaluate the accountability of American government to its people and the peoples of the world.

9. To prepare students to develop the ability to evaluate public policy by familiarizing them with some basic policy outcomes in domestic and foreign affairs including but not limited to:
 a. the impact of government policy on the lives of minorities
 b. economic policy
 c. the relationship between civil liberties and governmental operations
 d. identification and evaluation of American global policy.

POLITICAL SCIENCE 232
AMERICAN POLITICAL SYSTEMS II

OVERVIEW

I	**INTRODUCTORY DISCUSSIONS**
I.	Introductory Discussions
II to VII	**GOVERNMENT AND GOVERNING - INSTITUTIONS**
II.	Congress
III.	Texas Legislature
IV.	The Presidency
V.	The Texas Executive
VI.	The Bureaucracy - National and State
VII.	The National Judiciary
VIII.	The Texas Judiciary
IX TO XV	**WHAT GOVERNMENT DOES - DOMESTIC AND GLOBAL POLICY**
IX.	Civil Liberties
X.	Civil Rights/Equal Rights
XI.	National Economic Policy
XII.	Texas Economic Policy
XIII.	Global Policy - evolution through the Cold War Era

XIV. Global Policy - the post Cold War and post 9/11 Eras

XV. Concluding Discussions

XVI. COMPREHENSIVE FINAL EXAMINATION

GENERAL OUTLINE

I INTRODUCTORY DISCUSSIONS

INTRODUCTORY DISCUSSIONS
Objectives

To acquaint students with:

1. the policy making process
 a. definition, stages and theories of decision making
 b. neutrality and permanence
 c. symbolic and substantive nature,

2. domestic and foreign policy making,

3. how issues move from the public agenda to the official agenda,

4. the complexities of policy implementation and the many ways by which policies may be altered as they are carried out,

5. the impact of issue networks and policy expertise in a democracy,

6. key historical developments that helped shape the Framers determination to control governmental power and whether modern society should be concerned about the implications for liberty and equality as citizens demand that government take on more social responsibilities and

7. how the American political system's division of power compares to parliamentary systems when it comes to the ability of policy

makers to enact major initiatives.

Required

NOTE – Please adhere to the following for the duration of the course: In addition to preparing all required and suggested assignments each student is also to master the key/major concepts, objectives and key terms.

Patterson, "The Policy Process: Windows of Opportunity," p. 522
Brown, et al., "Government, Politics, and Public Policy," pp. 2-4
TBA

Strongly Suggested

Karen O'Connor, et al., American Government: Continuity and Change/2004 Texas Edition, Chapter 17, Social Welfare Policy, specifically, "The Policy-Making Process," pp. 662-672

Suggested Readings; Other Assignments

Review Patterson, Preface for the Student: A Guided Tour and Chapter 1, American Political Culture: Seeking a More Perfect Union, pp. xxv-33
Kenneth Janda, et al., The Challenge of Democracy: Post 9/11 Edition, 7th ed., chapter 17, Policymaking, pp. 548-575
TBA

II TO VII GOVERNMENT AND GOVERNING - INSTITUTIONS

CONGRESS AND THE TEXAS LEGISLATURE

Objectives

Students should be able to:

1. describe the origins and functions of the legislature,

2. understand the role that representative democracy plays in the legislature,

3. analyze the importance of the incumbency effect,

4. understand how issues get on the legislative agenda and the process, formal and informal, by which bills become laws,

5. explain the importance of legislative committees relevant to the fundamentals of lawmaking,

6. describe the formal and informal rules that determine the selection and power of the legislative leadership,

7. discuss political parties, leadership patterns and the growing legislative power of women and minorities,

8. stress the significance of interaction and interdependency between internal and external actors on the legislative environment and public policy,

9. use the examples of legislative caucuses, the Killer Bees and Killer D's to discuss the dilemmas of representatives - trustees or delegates?,

10. identify key historical developments that culminated in the constitutional requirement that legislative district lines be redrawn, minimally, on a decennial basis and discuss whether citizens today should be concerned about the impact of redistricting decisions on liberty and equality,

11. explain how America compares to other democracies when it comes to legislative leadership and authority and

12. use the political systems framework to write an analytical summary of the major concepts in the chapters on the legislature.

Required

Congress

Patterson, chapter 11, Congress: Balancing National Goals and Local Interests

Complete the Self-quiz, Patterson, p 357

Texas Legislature
Brown, et al., chapter 6, The Legislature
Complete Part II, "Testing Your Knowledge," Study Guide: Practicing Texas Politics, chapter 6, The Legislature

Suggested Readings; Other Assignments
Congress
United States Constitution, Article I, Amendment 27
TBA

Texas Legislature
Patterson, chapter 18, "The Legislature," pp. 572 - 574
TBA

THE PRESIDENCY AND THE TEXAS EXECUTIVE

Objectives

Students should be able to:

1. explain the historical and constitutional basis for the structure of the executive branch of government,

2. explain reasons for the growth of executive power - historical, formal and informal,

3. discuss the roles of the executive,

4. understand the relationship between political values, popular support and the ability of the executive to persuade the legislature to support policy positions,

5. discuss how the goals of the executive are transformed into public policy and implemented,

6. explain how the staff assists the executive in decision making,

7. discuss how the agendas of recent executives have differed from each other,

8. identify the basic strategies that successful executives have followed to achieve their goals,

9. determine whether contemporary executives are performing their duties in accordance with the original intent of the Framers of the United States and Texas constitutions,

10. identify key historical developments that have shaped campaigns for election and discuss why citizens should care about the ability of the executive today to take the lead on issues of liberty and equality,

11. explain how the American executive system compares to systems of executive policy leadership in other democracies and

12. use the political systems framework to write an analytical summary of the major concepts in the chapters on the executive.

Required

The Presidency

Patterson, Chapter 12, The Presidency: Leading the Nation
Complete the Self-quiz, Patterson, p. 396

The Texas Executive

Brown, et al., chapter 7, The Executive
Complete Part II, "Testing Your Knowledge," Study Guide: Practicing Texas Politics, chapter 7, The Executive

Suggested Readings; Other Assignments

The Presidency

United States Constitution, Article II, Amendments 12, 20, 22, 23 and 25
TBA

The Texas Executive

Patterson, Chapter, 18, "The Executive Branch," pp. 569-571
TBA

THE BUREAUCRACY - NATIONAL AND STATE

Objectives

To acquaint students with:

1. the origins and development of the bureaucratic state,

2. the nature, organization and power of bureaucracy,

3. administrative policy making - informal politics and formal processes,
 a. how bureaucratic politics can facilitate or thwart the policy process,
 b. interest groups and bureaucratic decision making,
 c. constraints on the power of bureaucracy,

4. modern attempts at bureaucratic reform,

5. key historical developments that helped shape the bureaucracy and whether modern society should care about the potential for conflict between the ideals of liberty and equality and the degree of power held by officials who were not elected to their positions,

6. how America's bureaucracy compares to bureaucracies around the world in overall performance and the tendency of bureaucrats to take the agency point of view and

7. the political systems framework as a tool for writing an analytical summary of the major concepts in the chapters on bureaucracy.

Required Readings

National

Patterson, chapter 13, The Federal Bureaucracy: Administering the Government
Complete the Self-quiz, Patterson, p. 427

State

Brown, et al., chapter 8, Public Policy and Administration

Complete Part II, "Testing Your Knowledge," Study Guide: Practicing Texas Politics, chapter 8, Public Policy and Administration

Suggested Readings; Other Assignments
National
TBA

State
Review Patterson, chapter 13, p. 402
TBA

THE NATIONAL JUDICIARY AND THE TEXAS JUDICIARY

Objectives
To acquaint students with:

1. the constitutional basis for the United States court system,

2. judicial review and the expanding role of the courts in the political process,

3. the day to day workings of the court system
 a. organization
 b. rules of access to the courts
 c. types of jurisdiction and types of law
 d. instruments of judicial power
 e. stare decisis
 f. increased use of alternative methods of dispute resolution,

4. factors and actors that influence judicial selection, decision making and the implementation of decisions,

5. the pre-1937 and post-1937 Court,

6. the debate over original intent - judicial activism, judicial restraint and the consequences of judicial decisions,

7. judicial procedures, both civil and criminal - pretrial actions, trial, decision, and appeal,

8. the concept and debates surrounding due process of law (includes the rule of law and discretionary justice),

9. issues related to the International Criminal Court and whether participation by America would conflict with America's judicial system or in any way undermine the nations sovereignty,

10. key historical developments that have resulted in the judiciary becoming an increasingly powerful policymaking body and whether modern society should be raising questions regarding the proper role of the judiciary relevant to liberty and equality in a democracy,

11. the power and political nature of American courts compared to the courts of other democracies and

12. the utility of the political systems framework as a tool for writing an analytical summary of the major concepts in the chapters on the judiciary.

Required

The National Judiciary

Patterson, chapter 14, The Federal Judicial System: Applying the Law
Complete the Self-Quiz, Patterson, p. 461

The Texas Judiciary

Brown, et al., chapter 9, Law, Courts, and Justice
Complete Part II, "Testing Your Knowledge," Study Guide: Practicing Texas Politics, chapter 9, Law Courts, and Justice

Suggested Readings; Other Assignments

The National Judiciary

United States Constitution, Article III, Amendments 4 to 8 and 14 (section 1)
TBA

The Texas Judiciary
Patterson, chapter 18, "The Courts," pp. 574-575
TBA

IX TO XV WHAT GOVERNMENT DOES - DOMESTIC AND GLOBAL POLICY

CIVIL LIBERTIES

Objectives

To acquaint students with:

1. the constitutional basis for civil liberties (including privacy and association),

2. selective incorporation/absorption,

3. doctrines revolving around the First Amendment,

4. Supreme Court responses to challenges to governmental attempts to regulate First Amendment freedoms,

5. rights of the accused,

6. the relative absence of absolutes in the area of civil liberties,

7. key historical developments that have tested the status of civil liberties over time and the question of whether society, in the aftermath of September 11, 2001, should be engaged in a national debate focused on the inherent tension between protecting civil liberties and individuals due process rights while simultaneously increasing domestic surveillance to protect Americans,

8. how America compares to other democracies in the law and order arena on the matter of drawing the dividing line between what is properly a universal right and what is properly a cultural tradition and
9. the utility of the political systems framework as a tool for writing an

analytical summary of the major concepts in the chapter on civil liberties.

Required
Patterson, chapter 4, Civil Liberties: Protecting Individual Rights
Complete the Self-Quiz, Patterson, p. 128

Suggested Readings; Other Assignments
United States Constitution, read the Bill of Rights, Review Amendments 4 to 8 and Amendment 14, section 1
TBA

CIVIL RIGHTS/EQUAL RIGHTS

Objectives

To acquaint students with:

1. the historical antecedents of present day civil rights activity - pre and post Reconstruction,

2. Constitutional protection of slavery and civil rights,

3. the Jim Crow Era, the Modern Era and the ongoing debate over reparations,

4. institutional responses - legislative, executive and judicial,

5. affirmative action - origin, ongoing debate, legal challenges and current policy,

6. the women's movement and other social movements that resulted in further broadening civil rights,

7. key historical events that highlight the depth and breadth of the ongoing struggle for equal rights and whether government and society today should continue to debate questions regarding what constitutes discrimination, liberty, equality and moral action,

8. how the United States compares to other democracies on the matter

of equality in law or in fact and

9. the political systems framework as a tool to for writing an analytical summary of the major concepts in the chapter on equal rights.

Required
Patterson, chapter 5, Equal Rights: Struggling Toward Fairness
Complete the Self-Quiz, Patterson, p. 163
Suggested Readings; Other Assignments
United States Constitution, provisions protecting slavery and provisions protecting civil rights
Review Patterson, chapter 7, Political Participation and Voting: Expressing the Popular Will, esp. pp. 217 – 222
TBA

NATIONAL ECONOMIC POLICY

Objectives

To acquaint students with:
1. theories of economic policy,

2. why government is involved in the economy and social welfare,

3. the nature and goals of economic policy,

4. the history, responses to and future of regulation,

5. fiscal policy and monetary policy,

6. the nature, cost and evolution of the American welfare state,

7. how the 1996 Welfare Reform Act contributed to a dramatic change in the traditional welfare system that had been created in 1935,

8. key historical events that have influenced the evolution of

American economic policy and whether in the era of deregulation and economic globalization government and society should be concerned about the future of the free-market, and the principles of liberty and equality,

9. how America compares to other democracies in economic competitiveness and

10. the political systems framework as a tool for writing an analytical summary of the major concepts in the chapter on economics.

Required
Patterson, chapter 15, Economic and Environmental Policy: Contributing to Prosperity
Complete the Self – Quiz, Patterson p. 495

Strongly Suggested
Patterson, chapter 16, Welfare and Education Policy: Providing for Personal Security and Need

Suggested Readings; Other Assignments
United States Constitution, economic provisions
TBA

TEXAS ECONOMIC POLICY

Objectives

Students should be able to:
1. explain how objectives 1 to 8 above - National Economic Policy - apply to both national economic policy and economic policy in Texas,

2. identify some of Texas' major fiscal concerns in the twenty-first century such as education and transportation,

3. discuss what has traditionally shaped Texas fiscal policies and compare that to the current politics of revenue and debt

management,

4. discuss the tensions that arise between the struggle for liberty and equality, governmental priorities and available revenues and

5. use the political systems framework to write an analytical summary of the major concepts in the chapter on revenues, expenditures and fiscal policy in Texas.

Required
Brown, et al., chapter 10, Revenues, Expenditures, and Fiscal Policy
Patterson, "States in the Nation," pp. 492, 500; "Are School Vouchers a Good Idea," p. 520
Complete Part II, "Testing Your Knowledge, Study Guide: Practicing Texas Politics, chapter 10, Revenues, Expenditures and Fiscal Policy

Suggested Readings; Other Assignments
Patterson, chapter 18, "State and Local Finance," pp. 585 - 596
TBA

GLOBAL POLICY

Objectives

To acquaint students with:
1. the meaning of foreign policy,

2. the historical context of America's values and interests,

3. the Constitutional context of foreign policy decision making,

4. instruments of foreign policy and the capability/power of nation-states to achieve foreign policy objectives,

5. state and non-state actors in the global arena,

6. problems of international rivalries and interdependence in the post Cold War nuclear age that are further complicated by the post 9/11

War on terror,

7. major actors in the formulation, adoption, implementation and evaluation of America's foreign policies,

8. key historical developments that have culminated in the emergence of America as the world's single superpower and reasons why citizens of America and the world should care about such a concentration of power and its impact on liberty, equality, preservation of cultures and the sovereignty of nation states in the future,

9. how America compares to other democracies when it comes to military spending and

10. the political systems framework as a tool for writing an analytical summary of the key concepts in the chapter.

Required
Patterson, chapter 17, Foreign and Defense Policy: Protecting the American Way
Complete the Self – Quiz, Patterson, p. 561

Suggested Readings; Other Assignments
United States Constitution, foreign policy provisions
TBA

CONCLUDING DISCUSSIONS

Required
TBA

Suggested Readings; Other Assignments
TBA

XVI. FINAL EXAMINATION
THE FINAL EXAMINATION WILL BE COMPREHENSIVE

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Preface

This Twelfth Edition of *Practicing Texas Politics* describes and analyzes state and local politics as practiced within the Lone Star State. Published for college and university students early in the twenty-first century, our textbook gives readers a realistic and up-to-date picture of how the state and its cities, counties, and special districts are governed. Approximately three-fourths of *Practicing Texas Politics* consists of text material written jointly by co-authors who critically examine public policymaking within Texas. Each chapter features selected readings.

The Co-authors

Ted Lewis, the latest addition to our team of co-authors, draws on his personal experience in Texas politics to explain the organization and functions of political parties and the actions of politicians. Sonia García provides valuable insights based on her teaching and research, as well as her involvement with women's organizations and San Antonio's Latino community. Joyce Langenegger is a law school graduate. She practiced law for several years before obtaining a graduate degree in political science and becoming a college instructor and administrator. Her background and experience have strengthened our coverage of the Texas judicial system and public finance. Lyle Brown has studied and taught in Mexico, has published articles on Mexican politics and U.S.-Mexican relations, and has been a co-author of *Practicing Texas Politics* since the first edition in 1971.

Important Features of This Edition

The Twelfth Edition of *Practicing Texas Politics* gives special attention to political developments since 2000. To include descriptions and analyses of recent political events and governmental changes, the narrative has been significantly rewritten. Topics given special attention include population changes documented by the 2000 census, recent state constitutional amendments, proposals for constitutional revision, attempts to generate revenue for economic development at the local level and to address the problems of colonias in counties along and near the Rio Grande, party primaries and the general election of 2002, the roles of interest groups and political action committees

(PACs) in the 2002 election, the importance of interest group lobbying and the results of Republican majorities in both chambers of the 78th Texas Legislature, actions by Governor Rick Perry and other executive officials in 2003, changes in the state's administrative agencies, issues facing Texas's courts and penal institutions, and the politics of taxing and spending in the Perry era of "no new taxes."

A summary is provided at the end of the text for each chapter. It is followed by a list of the key terms that are printed in boldface type where first presented in the text and defined in the glossary, a list of discussion questions, and a list of Internet resources featuring URLs for agencies and organizations relevant to the chapter. Endnotes document information provided in the text and suggest additional reading for further study. To provide a wide range of views on current issues, we have included two or three readings at the end of each chapter. Every reading has a brief introduction to prepare readers for what follows.

Examples of a reading from each of the 10 chapters are as follows: (1) Joe Holley describes how Texas has been affected by population changes; (2) Tai Kreidler examines the role of Hermine Tobolowsky in initiating and adopting Texas's Equal Rights Amendment; (3) Alexander Briseno explains how term limits can have a negative impact on municipal government; (4) Jake Bernstein reports on the Republican Party's state convention in 2002 and GOP factionalism in Texas; (5) Jay Root discusses the influence of lobbyists during the Texas Legislature's 78th regular session in 2003; (6) Christy Hoppe presents a biographical sketch of state representative Ron Wilson, a veteran African American legislator who represents a Houston district; (7) Governor Rick Perry's State of the State Address emphasizes his determination to cut state spending and avoid new taxes; (8) Matt Flores outlines achievements and problems of community colleges and state universities in an area that extends from South Texas to El Paso; (9) Thom Marshall examines the operation of a drug court in Fort Bend County; and (10) Governor Rick Perry and Representative Paul Moreno present opposing views of the governor's zero-based budget for fiscal years 2004 and 2005.

At the end of the book, students may consult a glossary featuring definitions of the key terms. A section titled "Selected Sources for Research" provides bibliographical information for electronic and printed sources. In addition, graphic illustrations and useful data are presented in maps, diagrams, photographs, cartoons, and tables throughout the book. Each chapter includes "How Do We Compare" data for the four most populous U.S. states (California, Florida, New York, and Texas) and the four U.S. states bordering Texas (Arkansas, Louisiana, New Mexico, and Oklahoma). For some subjects, data is provided for the four Mexican states bordering Texas (Chihauhua, Coahuila, Nuevo León, and Tamaulipas). All chapters of this Twelfth Edition feature "Points to Ponder" information relevant to the text. An exten-

sive and periodically updated bibliography of books and articles for each chapter of *Practicing Texas Politics* is available on the Houghton Mifflin Political Science home page described in the next section.

The Complete Teaching and Learning Package

A companion web site for students is available on the Houghton Mifflin Political Science home page, accessible through **politicalscience.college.hmco.com**. The site includes chapter outlines, links to Texas government and politics sites, ACE practice tests featuring multiple-choice and true-or-false questions, and an updated bibliography of books and articles for further reading and research. Also, updates will be posted when major events affect the content of the text.

The instructor web site, which is password protected, contains the online *Instructor's Resource Manual with Test Items (IRM)*, prepared by Robert K. Peters of Tyler Junior College. The *IRM* offers a complete lecture outline for each chapter in *Practicing Texas Politics*, multiple-choice questions, essay exercises, suggested class activities, and a listing of numerous audiovisual and Web resources. Also available is a Windows-based computerized Test Bank containing the test questions from the *IRM*.

As with earlier editions of *Practicing Texas Politics*, Lyle C. Brown, Janet Adamski, and Thomas J. Hoffman have co-authored a comprehensive *Study Guide* for helping students with learning and test taking. The *Study Guide* contains performance objectives, summaries of the text and readings, key terms and concepts, objective questions (true-false, multiple-choice, and completion), essay questions, and research projects using the vast resources of the Internet. Online orders for copies of the *Study Guide*, as well as *Practicing Texas Politics*, may be submitted directly through **college.hmco.com**.

Acknowledgments

A change in the author team for the Twelfth Edition of *Practicing Texas Politics* involves the retirement of Robert S. Trotter, Jr. (El Centro College of the Dallas Community College District) as a co-author. He was a valued collaborator for three decades and is greatly missed.

We are indebted to many political scientists as well as scholars in other disciplines. They have shared generously the results of their research and have stimulated our effort to produce a better textbook for classroom use. In particular, we thank Irasema Coronado, University of Texas at El Paso; Manoucher Khosrowshahi, Tyler Junior College; Charles R. Knerr, University of Texas-Arlington; and Ron Velten, Grayson County College, who served as reviewers for this edition of our textbook. They read the manuscript and providing many useful comments and suggestions for which we are grateful.

We are also indebted to many personal friends, government officials and their staff, political activists, lawyers, and journalists who have stimulated our thinking. Likewise, we owe much to librarians and archivists who located hard-to-obtain facts, photos, and new readings. Special appreciation is expressed for help from two people at St. Mary's University: adjunct faculty member Veronica Vega Rodriguez and undergraduate student Rolando Díaz. We also appreciate the professional assistance rendered by the editorial staff of Houghton Mifflin Company and the freelancers who worked on the book. Without the benefit of their publishing experience, this textbook and its ancillaries would be of much less value to students and instructors.

Of course, expressions of appreciation are due to secretaries and others who helped to produce this new edition of our book and to spouses and other family members who have learned to cope with the irregular working hours of authors struggling to meet deadlines. Last and most important, we dedicate this book to Texas students and political science instructors who, we hope, will continue to be the chief beneficiaries of our efforts to describe and analyze the practice of Texas politics.

Lyle C. Brown
Joyce A. Langenegger
Sonia R. García
Ted Lewis

Chapter 1

The Environment of Texas Politics



Gary Brookins, *Richmond Times-Dispatch*

You ask me what I like about Texas
I tell you it's the wide open spaces!
It's everything between the Sabine and the Rio Grande.
It's the Llano Estacado,
It's the Brazos and the Colorado;
Spirit of the people down here who share this land![1]

In 2000, as depicted in the preceding cartoon, census takers counted a rapidly growing U.S. population. Texas ranked second among the 50 states with almost 21 million, up from nearly 17 million in 1990. California ranked first with close to 34 million; New York was third with less than 19 million. The new total for the Lone Star State included about 15 million men and women of voting age (18 years or older). Of course, some of them could not legally cast ballots because they lacked qualifications concerning residence, voter registration, or U.S. citizenship. Nevertheless, most Texans are involved in political activities, even if their actions are simply limited to talking about politics or merely listening while others talk, and everyone is affected by the words and deeds of politicians, government officials, and public employees.

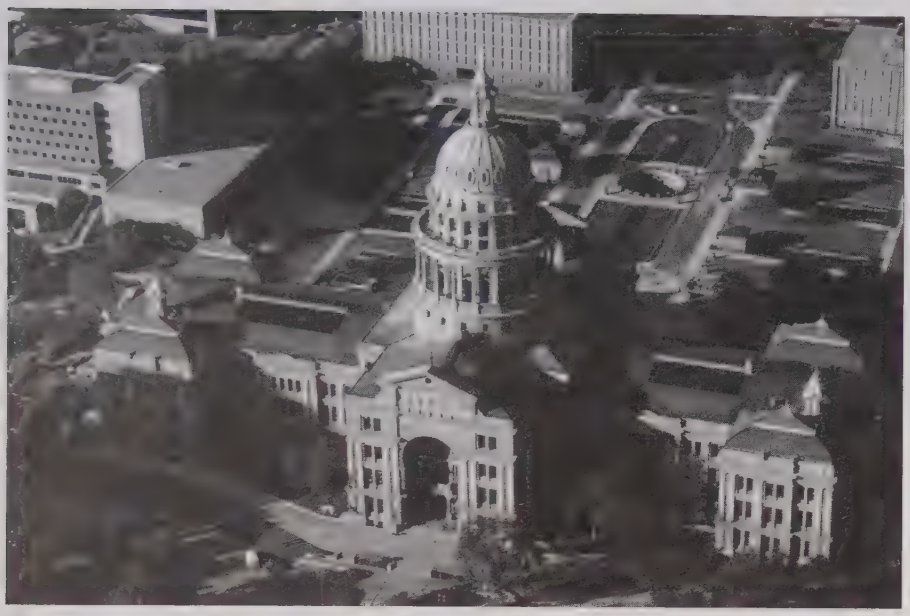
Legislative actions, executive decisions, and court proceedings, as well as popular elections and lobbying activities, are parts of the political struggle that determine, in the words of political scientist Harold Lasswell, "who gets what, when, and how."[2] **Politics** involves conflict between political parties and other groups that seek to elect government officials or to influence those officials when they make public policy, such as enacting and interpreting Texas laws.

Political Behavior Patterns

This book focuses on politics as it is practiced within Texas and on the diverse and rich cultural heritage of the Lone Star State. Our analysis of the politics of Texas's state and local governments today is intended to help readers understand political action and prepare them for informed participation in the political affairs of the state and its counties, cities, and special districts. In addition, we will introduce readers to important political actors, most of them high-ranking party activists or government officials who have been elected or appointed to public office. In politics, as in athletics, people need to be able to identify the players to understand the game.

Government, Politics, and Public Policy

Government may be defined as a public institution with the authority to allocate values in a society. In practice, values are allocated when a state or local government formulates, adopts, and implements a public policy, such as raising taxes to pay for more police protection or better streets and highways. At



The south side of the Texas State Capitol in Austin (Courtesy of the Texas Department of Transportation)

the state level, each **public policy** is a product of political activity that may involve both conflict and cooperation among legislators, between legislators and the governor, within the courts, and among various governmental agencies, citizens, and **aliens** (persons who do not have U.S. citizenship, such as undocumented people who have entered legally but have stayed after their authorized visa has expired).

Policymaking involves political action intended to meet particular needs or achieve specific objectives. For example, a state policy to promote public health by reducing or eliminating the use of certain pesticides alleged to cause cancer might be proposed to a legislator by the governor or another government official, by a nongovernmental organization such as the environmentalist Sierra Club, or by any interested person. Next, the proposal would be incorporated into a bill and submitted to the Texas Legislature by a state senator or representative favoring a new policy. Then, in committee hearings and on the floor of the Senate and the House of Representatives, the bill would be discussed and debated in the presence of lobbyists representing interest groups, journalists reporting the news, and concerned citizens. When the bill is passed by the legislature and signed by the governor, the pesticide proposal becomes law. Next, the new public policy must be implemented, or put into operation. That responsibility might be assigned by law to the Texas Department of Agriculture or to

some other governmental agency. But the policy measure could be challenged in court. Judges might uphold all or part of the legislation or nullify it entirely if it violates some provision of the Texas Constitution or the U.S. Constitution. In sum, politics is the moving force that produces public policy, which in turn determines what government does and who is affected.

Political Culture

Politics is influenced by **political culture**, which consists of the values, attitudes, traditions, habits, and general behavior patterns that develop over time and shape the politics of a particular region. Political culture is the result of both remote and recent political experiences. According to political scientist Daniel Elazar, "Culture patterns give each state its particular character and help determine the tone of its fundamental relationship, as a state, to the nation."[3] Elazar identified three distinct cultures that exist in the United States: moralistic, individualistic, and traditionalistic.

The **moralistic culture** originated in New England with Puritanism. In the moralistic culture, the people view government as a public service. They expect government to provide goods and services to advance the public good. They also see it as their duty to become active in governmental decision making through participation in town councils and other representative bodies or by closely monitoring the actions of their leaders. The people generally have high expectations of their government because they hold it accountable. Today, this culture has spread across the northern states and to the Pacific Northwest.

The **individualistic culture**, the second culture to emerge, grew out of westward expansion throughout the nineteenth century. Originally, many people migrated west to pursue economic opportunities not available to them in the East. The frontier areas in which they settled had no government to provide goods and services for them. They became more self-reliant, and the notion of the "rugged individualist" emerged. The business community also advanced the individualistic culture. They viewed government as an adversary that taxed and regulated them; therefore, they wanted to limit its size and scope. Today, the individualistic culture is found in a majority of the midwestern and western states.

The **traditionalistic culture**, the third culture to emerge, developed around the same time as the individualistic culture. However, the traditionalistic culture grew out of the Old South. Economically, the South differed from the North and the West in that it was based primarily on agriculture and, to a large extent, on the labor of African American slaves. As a result, property and income were unequally dispersed. Governmental policies were made by a few elite citizens who belonged to established families or influential social groups. Policies were designed to preserve the social order, and a one-party system developed. The poor and minorities were often disenfranchised. Even in the early twenty-first century, there is still a high degree of **political ineffi-**

cacy and lower voter turnout among those in lower socioeconomic categories. Today the traditionalistic culture is still dominant throughout the South.

Texas Political Culture

The foundations of Texas's political culture were laid and developed under the flags of six national governments: Spain, France, Mexico, the Republic of Texas, the Confederate States of America, and the United States. Unlike most of the other 49 states, Texas was not a U.S. territory prior to statehood. As an independent republic (1836–1845), Texas was given diplomatic recognition by the governments of the United States, England, France, Holland, and Belgium. With a popularly elected president and congress, the republic maintained its own army and navy, operated a postal system, printed paper money, administered justice through its courts, and provided other governmental services.

Texas Individualism Elazar asserts that the political culture of Texas is strongly individualistic in that government is supposed to maintain a stable society but intervene as little as possible in the lives of the people. He identifies the state's politics with economic and social conservatism, strong support of personal politics, distrust of political parties, and minimization of the latter's importance.

An important source of Texas's conservatism is the nineteenth-century **frontier experience**. In the early nineteenth century, having obtained land grants from Spain, Anglo settlers moved to Texas individually or with such leaders as Stephen F. Austin. Many of these settlers had been unsuccessful in business or wished to escape their pasts, and Texas provided them with new opportunities. After securing independence from Mexico in 1836, the Republic of Texas developed its own economy, military, and education system. The Texas republic's main success was its endurance. Texans, unlike other Americans who had had military help from the federal government, had displaced Native Americans from a large region by themselves, established farms and communities, and persevered through extreme economic hardships.[4] These achievements have been enlarged over time by historians and fiction writers emphasizing the violent aspects of Texans' struggle for independence from Mexico and their clashes with Native Americans who unsuccessfully resisted the westward movement of Anglo settlers. Thousands of Native Americans and settlers—men, women, and children—were slain on the Texas frontier from the 1820s to the mid-1870s. This period of frontier warfare lasted longer in Texas than in other states.

After the Texas frontier was secured, there remained the task of bringing law and order to the land. In some areas, range wars, cattle rustling, and other forms of violence continued to menace law-abiding citizens into the twentieth century. As a result of these experiences, many Texans grew accustomed to the use of force in settling disputes and struggling for survival. In 1995, when the legislature legalized the carrying of concealed handguns by licensed owners,

some people interpreted the action as another influence of frontier days, when many Texans carried concealed weapons or bore pistols openly in holsters. Two presumptions underlie the concealed weapons law: first, that Texans do not need to rely on law enforcement for protection and, second, that citizens of the Lone Star State have a "right" to possess and carry weapons. Guns rights groups have helped to advance these presumptions. Today, shootings and other violence may be as common in Texas's inner cities and elsewhere as they were on the state's frontier in the nineteenth century.

Elements of the individualistic culture persist in other examples as well. Compared with other more populous states, Texas has a limited government with restricted powers: a legislature that meets biennially, with salaries that can be increased only after approval by Texas voters; a governor who has limited budgetary, appointment, and removal powers; and an elected judiciary with multiple levels of courts. Texas has a climate very favorable to business. It remains one of the few states without a personal or corporate income tax. Government spending for social services on a per capita basis is consistently among the lowest in the nation. Participation in politics and voter turnout continues to remain low. Public perception of government and elected officials is very negative. In 1998, George W. Bush became the first Texas governor elected to a second consecutive four-year term (although he resigned after two years into his second term, following his election as U.S. president in 2000).

Texas Traditionalism The traditionalistic culture of Texas can also be traced to the early nineteenth century. The plantation system thrived in the rich, fertile soil of East Texas, and cotton was by far the state's largest money crop. Prior to Texas's entry into the Confederacy, much of its wealth was concentrated in a few families. Although three-quarters of the state's population and two-thirds of the farmers did not own slaves, slave owners controlled 60 to 70 percent of the wealth and dominated state politics.[5] After the Civil War (1861–1865), "**Jim Crow**" laws limited blacks' access to public services. In the late nineteenth and early twentieth centuries, literacy tests, grandfather clauses, poll taxes, and "all-white primaries" further restricted voting rights.

Today, many Texans are descendants of migrants from traditionalistic states of the Old South, where conservatism, elitism (upper-class rule), and one-party politics were long entrenched. Although urbanization and industrialization, together with an influx of people from other states and countries, are changing the cultural patterns of Texas's population, Elazar insists that the traditionalistic influence of the Old South still lingers. He notes that many Texans have inherited southern racist attitudes, which for decades were reflected in state laws that discriminated against African Americans and other minority groups. In 2000, however, two Civil War plaques were removed from the Texas Supreme Court building as demanded by the National Association for the Advancement of Colored People. One plaque bore a likeness of the Confederate battle flag, and the other displayed the official Confederate

seal. Similar symbols of Texas's role in the Confederacy remain in public places throughout the state and are a source of continuing controversy.

The traditionalistic influence of Mexico is discernible among some Mexican American Texans who are affected by a political culture featuring the elitist ***patrón*** (protecting political boss) **system** that still dominates certain areas of South Texas. For more than three decades, however, the old political order of that region has been challenged—and, in many instances, defeated—by a new generation of Mexican Americans.[6] Compared with other areas of the state, however, voter turnout still remains much lower in counties along the Mexican border.

The traditionalistic culture can be seen in the social and economic conservatism of the state. Religious groups have influenced government policies on matters such as blue (Sunday closing) laws, liquor laws, pari-mutuel betting, and the state lottery. City councils have drawn public criticism for publicly financing corporate ventures or providing certain businesses with property tax abatements. Powerful families continue to play an important role in state politics and influence public policies.

A Changing Culture? Beginning in the mid-1970s, Texas has experienced a large population influx from other areas of the nation. With regard to Elazar's appraisal of Texas's conservative political culture, important questions arise: How long will particular sociocultural influences last? Aren't cultural influences of the past being replaced by new ones? Will Texas's cultural identities, inherited largely from the nineteenth century, survive indefinitely in the face of widespread urbanization, industrialization, education, communication, and population change? Will a moralistic culture ever take root and flourish in the Lone Star State?

The Land

Like people everywhere, Texans are influenced by their geography as well as by their history. Thus, Texas's mountains, plains, seacoasts, climate, mineral deposits, and other geographic features affect the state's economy, its political culture, and the part the Lone Star State plays in national and international affairs. By the twenty-first century, Texans had cleared the land to establish and operate thousands of farms and ranches, built hundreds of towns and cities, organized many banks and businesses, and produced much of the nation's oil and natural gas, cotton and mohair, fish and meat, wheat and sorghum, fruits and vegetables, computers and computer chips.

The Politics of Geography

From the start, Texas politics and public policy have been molded in part by the state's size. Its very large area and diverse physical geography create strong

How Do We Compare . . . in Area?

Throughout the book, we use this feature to compare Texas with the other three most populous U.S. states, and with Texas's four neighboring U.S. states. Some How Do We Compare boxes will also include information about the Mexican states bordering Texas: Chihuahua, Coahuila, Nuevo León, and Tamaulipas.

Land and Inland Water Area Combined

Most Populous U.S. States	Area (sq. miles)	U.S. States Bordering Texas	Area (sq. miles)	Mexican States Bordering Texas	Area (sq. miles)
California	163,707	Arkansas	53,182	Chihuahua	95,400
Florida	65,758	Louisiana	54,813	Coahuila	58,522
New York	54,475	New Mexico	121,593	Nuevo León	25,126
Texas	**267,339**	Oklahoma	69,903	Tamaulipas	30,734

regional interests. Regardless of where they live, however, most citizens of the Lone Star State strongly identify with their state and are proud to be called Texans.

Size With over 267,000 square miles of territory, Texas is second only to Alaska in area. The Lone Star State is as large as the combined areas of New York, Pennsylvania, Ohio, Illinois, New Hampshire, Connecticut, Vermont, Rhode Island, Massachusetts, and Maine.

Moving south in a straight line from the northwestern corner of the Texas Panhandle to the state's southern tip on the Rio Grande near Brownsville, one must travel 800 miles. Almost equally long is the distance from Newton County's Louisiana border (south of the Sabine River's Toledo Bend Reservoir) to the New Mexican border near El Paso. Such great size has necessitated the building of about 222,000 miles of roadways in the state, including more than 79,000 miles of major highways constructed and maintained under the supervision of the Texas Department of Transportation. No other state has so many miles of roadways.

Points to Ponder

- The longest highway in Texas is US 83. It extends from the Oklahoma state line in the Panhandle to the Mexico border at Brownsville. It is 899 miles long.
- The shortest highway in Texas is loop 168 in downtown Tenaha in Shelby County. This road is 0.074 mile long, or about 391 feet.

Because of the state's vast size and geographic diversity, Texas developed a concept of five areas—North, South, East, West, and Central Texas—as five potentially separate states. In fact, the congressional resolution by which Texas was admitted to the Union in 1845 specifies that up to four states "in addition to said state of Texas" may be formed out of its territory and that each "shall be entitled to admission to the Union." Various plans for carving



Figure 1.1 Texas Geographic Regions *Source: 1990–91 Texas Almanac and State Industrial Guide* (Dallas: A. H. Belo Corporation, 1989), 70. Reprinted with permission from the *Texas Almanac*. Further reproduction, without specific permission, not licensed.

Texas into five states have been proposed to the Texas Legislature, none of which has been taken seriously by most Texans.

Regions Geographically, Texas is at the confluence of several major physiographic regions of North America. The four principal **physical regions** of the state are the Gulf Coastal Plains, the Interior Lowlands, the Great Plains, and the Basin and Range Province. (For a map showing these regions, see Figure 1.1.)

The **Gulf Coastal Plains** region in East Texas is an extension of the Gulf Coastal Plains of the United States, a region that stretches westward from the Atlantic coast and then southward into Mexico. The internal boundary of the Gulf Coastal Plains follows the Balcones Fault, so named by Spanish explorers

because the westward-rising hills resemble a line of balconies. Immediately east of the fault line is the Blackland Belt. From 15 to 70 miles in width, this strip of black soil stretches southward from the Red River, which marks the eastern half of the Oklahoma border, to the Mexican border. The international boundary follows the Rio Grande in its southeastern course from El Paso to Brownsville and the Gulf of Mexico. (Mexicans call this international stream the Rio Bravo, which means "brave river" or "fierce river.") By early in 2001, however, the Rio Grande ceased its flow into the Gulf of Mexico because it ran dry downstream from Brownsville.

Within the Gulf Coastal Plains region lies the Coastal Prairies area. Bordering the Gulf of Mexico, between the Piney Woods of East Texas and the Rio Grande Plain of South Texas, this flat area has been the scene of Texas's greatest industrial growth since World War II, particularly in the section between Beaumont and Houston. Here are the state's chief petrochemical industries, which are based on oil and natural gas. In contrast to the arid plains of West Texas, this is the greenest region of the state, with certain areas receiving over 50 inches of rain annually.

The **Interior Lowlands** region encompasses the North Central Plains of Texas. This territory is bounded by the Blackland Belt to the east, the Cap Rock Escarpment to the west, the Red River to the north, and the Colorado River to the south. Farming and ranching are important activities within this largely prairie domain. The major cities in the region are Abilene, Dallas, Fort Worth, and Wichita Falls.

In 1999, after decades of controversy and negotiation stemming from the Adams-Onís Treaty between the United States and Spain (1819), the governments of Texas and Oklahoma entered into the Red River Boundary Compact. It established the south bank of the river where vegetation begins as the boundary between the two states.

Immediately west of the Interior Lowlands and rising to higher altitudes, the Texas **Great Plains** area is a southern extension of the Great High Plains of the United States. From Oklahoma at the northern boundary of the Panhandle, this area extends southward to the Rio Grande. The Panhandle–South Plains portion of the region is known principally for its large-scale production of cotton and grain sorghum. These irrigated crops draw their water from the Ogallala Aquifer, formed thousands of years ago by runoff from the Rocky Mountains. This underground, water-bearing rock formation extends northward from Texas to North Dakota, underlying parts of eight states. The chief cities of the Panhandle–South Plains are Lubbock and Amarillo.

Centered in Nevada, the **Basin and Range** region of the United States enters western Texas from southern New Mexico. The only part of the Lone Star State classified as mountainous, this rugged triangle provides Texans and many non-Texans with a popular vacation area that includes the Davis Mountains and Big Bend National Park. The state's highest mountains, Guadalupe Peak (8,749 feet) and El Capitan (8,085 feet), are located here. Among the few

cities in this large area are the small city of Alpine (site of Sul Ross State University) and the big city of El Paso (on the north bank of the Rio Grande, just across the border from Mexico's more populous Ciudad Juárez).

Points to Ponder

- Brownsville is closer to Mexico City than to the Panhandle town of Texline.
- Texarkana is closer to Chicago, Illinois, than to El Paso.
- El Paso is closer to Los Angeles on the Pacific Coast than to Port Arthur on the Gulf Coast of Texas.
- Port Arthur is closer to Jacksonville, Florida, on the Atlantic Coast than to El Paso.

Economic Geography

Although geographic factors do not directly determine political differences, geography greatly influences the economic pursuits of a region's inhabitants, which in turn shape political interests and attitudes. Geography has encouraged rapid population growth, urbanization, and industrialization in East Texas; in arid West Texas, it has produced a sparsely populated rural and agricultural environment. In the course of its economic and political development, the Lone Star State has been influenced greatly by three land-based industries: cattle, cotton, and oil.

Cattle The origin of Texas's cattle ranching may be traced to Gregorio de Villalobos, who transported Spanish-Moorish cattle from Spain to Mexico in the early years of the conquest. Subsequently, Francisco Vásquez de Coronado and other Spanish explorers and settlers brought livestock into Texas. Later, cattle from Mexico interbred with cattle brought by Anglo settlers to produce the hardy Texas longhorn that thrived on the open range. Although "Mexican" cattle of the long-horned variety provided the basic strain, folklorist J. Frank Dobie explained that an infiltration of cattle of mongrel American blood contributed to the evolution of the Texas longhorn. Dobie estimated the Texas longhorn evolved as the result of 80 percent Spanish influence and 20 percent mongrel influence.[7]

Plentiful land and the relative absence of government interference encouraged the establishment of huge cattle empires by determined entrepreneurs such as Richard King and Mifflin Kenedy. Today the famous King Ranch is composed of four separate units that total more than 825,000 acres or almost 1,300 square miles in Kleberg County (with the county seat at Kingsville, near the ranch headquarters) and five other South Texas counties.[8] Ownership of the Kenedy Ranch's 370,000 acres has been contested by the descendants of José Manuel Ballí, claiming that Kenedy acquired this land illegally. Early in 2003, a state district judge in Corpus Christi ruled against the claims of the Ballí family. However, it is likely that this decision will be appealed.



Cattle ranching Cattle ranching requires the labor of skilled riders like these Texas cowboys, one of whom is using the bulldogging technique for throwing a steer by grasping the horns and twisting the neck until the critter falls, along with the dismounting rider. *(Courtesy of the Museum of South Texas History, 121 East McIntyre, Edinburg, TX 78539)*

After the Civil War, an estimated 5 million cattle ranged over Texas's nearly 168 million acres of land. During the 25 years following that war, approximately 35 thousand men drove about 10 million cattle and 1 million horses north along the Chisholm and Goodnight-Loving Trails to Kansas railheads. By the late 1880s, when the railroads were built closer to Texas ranches, the cattle drives ended and large ranches developed. In time, the beef business as a political and economic force leveled off in the wake of newly emerging industries. Although Texas cattle production has declined in recent years, Texas still has more cattle than any other state: about 13.6 million, including more than 300,000 dairy cows. In fact, livestock and their products account for about two-thirds of the agricultural cash receipts in the state. Texas ranks first nationally in all cattle, beef cattle, and cattle feed production. It also leads the nation in the production of sheep, goats, wool, and mohair.

Cotton Although popular culture romanticizes the cowboy and cattle drives of the nineteenth century, the backbone of the state's economy then was cotton. Before Spaniards brought cattle into Texas, cotton was already growing wild in the region. The rich, fertile soil led to its easy cultivation, begun by Spanish missionaries. In the 1820s, the first hybrid, or improved, cotton was introduced into Texas by Colonel Jared Groce, known as the founder of the

Texas cotton industry. Groce and other Anglo Texans first cultivated cotton in East and Central Texas, where crop conditions most closely resembled those in the Old South. Prior to the Civil War, when slaves were available to perform much of the field labor, cotton production spread. During that war, revenue from the sale of Texas cotton to European buyers aided the Confederacy. As more frontier land was settled, cotton production moved westward and increased in volume.

Currently, the High Plains region of West Texas accounts for about 60 percent of the state's annual cotton yield. With more than 6.4 million acres of Texas farmland devoted to cotton production (about 40 percent of the country's cotton acreage), the annual harvest usually exceeds 4.5 million bales of lint and 1.5 million tons of cottonseed. The annual value of this crop has ranged from $1.0 billion to $1.7 billion in recent years. Much of Texas cotton is exported.

In addition to the contribution that cotton makes to the Texas economy, other important cash crops today include corn, grain sorghum, hay, rice, cottonseed, peanuts, soybeans, and pecans. Texas is also among the leading states in production of fresh market vegetables and citrus.

Oil Long before Europeans arrived, Native Americans used oil seeping from the Texas soil for medicinal purposes. Early Spanish explorers in the sixteenth and seventeenth centuries used it to caulk their boats. In the late nineteenth century, thousands of barrels had been produced from crudely dug wells in different areas of the state. However, prior to the twentieth century, Texas petroleum was an unknown quantity and had very limited commercial value. Not until 1901, when the **Spindletop Field** was developed near Beaumont, did petroleum usher in the industry that dominated the state's economy for nearly a century. After the Spindletop boom, other wells were drilled across Texas. Over the next 50 years, Texas evolved from a predominantly agricultural culture into an industrial society. Oil brought industrial employment on a grand scale to rural Texas. It offered an immediate and attractive alternative to life down on the farm or ranch for tens of thousands of Texans. Many of the major oil companies, such as Gulf Oil Corporation, Humble (later ExxonMobil Corporation), Magnolia Petroleum Company, Sun Oil Company, and the Texas Company (later Texaco and more recently ChevronTexas), were created or quickly grew to corporate size. In 1919, the legislature gave the **Texas Railroad Commission** limited regulatory jurisdiction over the state's oil and natural gas industry.[9]

At its peak in the early 1980s, the Texas petroleum industry employed half a million workers earning more than $11 billion annually, and it was estimated that oil and natural gas production accounted for almost one-third of the state's economy. By that time, the state's oil business had expanded into gasoline refineries, petrochemical plants, and factories for manufacturing a wide range of tools and equipment used in drilling, transporting, and refining operations. Meanwhile an increasing number of banks willingly financed

these costly enterprises. In 1982, an oil price slump began that produced a near panic in the industry, and the number of operating drilling rigs plunged from more than 1,000 to near zero by 1986. At that time, the price of oil dropped to less than $10 per barrel, its lowest level in more than a decade. As a result, many oil operators, businesspeople in related industries, and real estate developers were unable to meet their loan obligations; hundreds of banks and savings and loan institutions became insolvent and were closed. From 1987 to 1989, more Texas financial institutions failed than at any other time since the Great Depression.[10] Many other banks and savings and loan institutions merged with healthier financial institutions that were often controlled by out-of-state interests.[11] At the same time, tens of thousands of laborers, technicians, engineers, managers, and others lost their jobs and joined the ranks of the unemployed or left Texas to find jobs elsewhere.

In the century-long development of the Texas oil industry, its political impact has been inevitable. Because of the large amounts of oil money contributed to candidates for public office and collected as revenue from taxes and lease holdings by state and local governments, Texas politics could hardly escape the industry's influence. From the mid-1980s until 1999, however, cheap oil and falling production plagued Texas's petroleum industry—except for the brief period of the Gulf War (1990–1991), which was sparked by Iraq's invasion and brief occupation of oil-rich Kuwait. Among the consequences of hard times in the Texas oil patch were reduced revenues for state and local governments and less election campaign money contributed by political action groups connected to the industry. Although petroleum prices have risen steadily since 1998 (more than $35 per barrel in early 2003), oil is not expected to regain its former level of influence over the Lone Star State's economy and politics.

Today, the oil and gas industry accounts for less than 6 percent of the state's economy. About 200,000 Texans work in this industry, and more than 200,000 others depend on energy-related industries for their employment. Most oil and gas jobs (including those in refineries and other petrochemical plants) pay relatively high wages and salaries. Meanwhile, there is a growing awareness that oil-based fuels burned in automobiles, trucks, buses, and airplanes are the world's principal source of air pollution. In addition, immeasurable harm to the world's oceans has resulted from oil spills in the Gulf of Mexico and other waters around the globe. Groups such as the Sustainable Energy and Economic Development (SEED) Coalition, the Lone Star Chapter of the Sierra Club, the Texas Campaign on the Environment, and the Texas Clean Air Working Group (a project of the Texas Conference of Urban Counties) have identified alternative fuel strategies for the Lone Star State.

The People

Texas has a large, ethnically diverse population. In every decade since 1850, it has grown more rapidly than the overall population of the United States. Like

the population of the nation, Texas's population is aging as the post–World War II baby-boom generation (persons born between 1946 and 1964) reaches middle age. The Bureau of the Census estimates that the population of persons over the age of 64 will more than double by 2020. More than 4 out of 10 Texans are either African Americans or Latinos (also called Hispanics).[12] The remainder are predominantly Anglos (non-Hispanic whites), with a small but rapidly growing number of Asians and fewer than 70,000 Native Americans (also called American Indians). (See Reading 1.1, "Populating Texas.")

Demographic Features

According to the federal census of 2000, Texas's population totaled 20,851,820—an increase of 22.8 percent from the 1990 total of 16,986,510. At the national level, the total population in 2000 was 281,421,906—an increase of 13 percent from the U.S. population of 248,709,873 in 1990. Texas also had three of the top ten fastest-growing metropolitan areas in the nation from 1990 to 2000. McAllen-Edinburg-Mission (fourth) grew at a rate of 48.5 percent, Austin-San Marcos (fifth) grew at a rate of 47.7 percent, and Laredo (ninth) grew at a rate of 44.9 percent.

Although the U.S. Census Bureau estimated that about 3.3 million Americans (1.2 percent) were missed by census takers in 2000, the administration of President George W. Bush decided that raw totals would be used rather than figures based on statistical sampling. Latinos and African Americans, especially those in big cities, are most likely to be undercounted. Because creation of congressional and legislative districts, as well as allocation of federal grants and state tax money, are affected by census figures, those areas with large minority populations tend to receive less representation and lower funding.[13] Additionally, by relying on raw census totals, Texas stands to lose millions of dollars in federal programs and aid over the next decade.

Population Distribution Just as Texas's physical geography makes the state a land of great contrasts, so does the distribution of its inhabitants. Densely populated humid eastern areas contrast with sparsely populated arid regions in the west. At one extreme is Harris County (containing Houston and most of its suburbs). Located in the southeastern part of the state, Harris has more than 3.5 million inhabitants. At the other extreme is Loving County, on the New Mexican border, where the 2000 census counted only 67 people. Today, Texas's four most populous counties (Harris, Dallas, Bexar, and Tarrant) have a combined population of over 9 million, more than 40 percent of all Texans. These four urban counties (along with Travis County) are located within the Texas Triangle, which is roughly outlined by segments of Interstate Highways 35, 45, and 10.

In the 1980s and 1990s, **population shifts** within Texas matched the national pattern: movement from rural to urban areas and from large cities to suburbs. Regions where the economy depended largely on oil and agriculture either decreased in total population or grew more slowly than the state as a whole.



How Do We Compare . . . in Population?

2000 Population as Reported by U.S. Census Bureau

Most Populous U.S. States	Population	U.S. States Bordering Texas	Population	Mexican States Bordering Texas	Population
California	33,871,648	Arkansas	2,673,400	Chihuahua	3,052,907
Florida	15,982,378	Louisiana	4,468,976	Coahuila	2,298,070
New York	18,976,457	New Mexico	1,819,046	Nuevo León	3,834,141
Texas	**20,851,820**	Oklahoma	3,450,654	Tamaulipas	2,753,222

Population Changes To provide today's public policymakers and businesspeople with demographic information that will allow them to plan for the future, state demographer Steven H. Murdock and his associates in the Population Estimates and Projections Program of the Department of Rural Sociology at Texas A&M University (College Station) prepared alternative scenarios of population growth. According to Murdock, if the number of people migrating to Texas each year between 1990 to 2030 were offset by an equal number leaving, the state's population would still increase to nearly 25.1 million by 2030. If the rates of net migration from other countries and other states decreased to one-half of those for 1980–1990, Texas would have nearly 31.4 million people by 2030. Finally, if the rates of net migration remained the same as those for 1980–1990, the figure for the year 2030 would be more than 40.5 million.

Murdock believes the most likely scenario is the one that places Texas's population at 31.4 million people by 2030. Three justifications are given for this projected figure. First, the period from 1990 to 2000 was a period of expansive growth in the Texas economy. Since 2000, there has been a general slowdown in the U.S. and Texas economies that is likely to slow population growth. Although a recovery will occur, it is uncertain at this time when it will happen. Second, the 2000 census count showed substantially larger U.S. and Texas populations than was anticipated. Although the Census Bureau has not fully determined the reasons, it is likely that the 2000 count included some persons who were missed in 1990. Since migration measures classify such persons as 1990–2000 migrants and the scenarios are based on 1990–2000 migration patterns, it is possible that the migration rates for some groups, for some periods, and for some counties are too high. This suggests the use of a more moderate rate-of-growth scenario. Finally, although the scenarios use trends in births and deaths, they assume constant levels of migration. This assumption is used because of the lack of historical data to effectively study these rates over time. However, the overall direction of trends and differences among racial/ethnic groups seems likely to continue, suggesting the need for the use of a more moderate rate-of-growth scenario.[14]

Urbanization Migration of people from rural regions to cities results in **urbanization.** Urban areas are composed of one or more large cities and their surrounding suburban communities. A suburb is a relatively small town or city, usually outside the boundary limits of a central city. For a century after statehood, Texas remained primarily rural. Then came urbanization, which progressed at an accelerated rate. Whereas Texas was 80 percent rural at the beginning of the twentieth century, by 1970 it was 80 percent urban. Today, Texans living in metropolitan areas constitute more than 80 percent of the state's population. Suburbs adjoining or near central cities spread into rural areas and surrounding counties.

Metropolitanization **Suburbanization** on a large scale creates a metropolitan area, a core city surrounded by a sprawl of smaller cities and towns. Like most states, Texas is experiencing suburbanization on a very large scale. Between 1980 and 2000, Texas suburbs experienced explosive growth. **Metropolitanization** concentrates large numbers of people in urban centers, which become linked in a single geographic entity. Though socially and economically integrated, a metropolitan area is composed of separate units of local government, which include counties, cities, and special districts.

Since 1910, federal agencies have defined metropolitan areas (MAs) for census purposes. The general concept of an MA is that of a core area containing a large population nucleus, together with adjacent communities having a high degree of economic and social integration with that core. Standard definitions of metropolitan areas were first issued in 1949 by the then Bureau of the Budget (predecessor of the Office of Management and Budget), under the designation *standard metropolitan area* (SMA). In 1959, the term was changed to *standard metropolitan statistical area* (SMSA). The word *standard* was dropped and the term changed to *metropolitan statistical area* (MSA) in 1983. The collective term *metropolitan area* (MA) became effective in 1990. The term *core based statistical area* (CBSA) became effective in 2000 and refers collectively to metropolitan and micropolitan statistical areas. Each CBSA must contain at least one urban area of 10,000 or more population. Effective 6 June 2003, the Office of Management and Budget established new sets of statistical areas. Today, criteria for these designations are as follows:

- **Micropolitan statistical area:** has at least one urban cluster with a population of at least 10,000, but less than 50,000
- **Metropolitan statistical area:** the basic unit, comprising a freestanding urbanized area with a total population of at least 50,000
- **Combined statistical area:** a geographic entity consisting of two or more adjacent Core Based Statistical Areas (CBSAs)
- **Metropolitan division:** a county or group of counties within a CBSA that contains a core with a population of at least 2.5 million

By mid-2003, the United States (including Puerto Rico) had 565 micropolitan statistical areas (41 in Texas), 370 metropolitan statistical areas (27 in Texas), 116 combined statistical areas (7 in Texas), and 29 metropolitan divisions (2 in Texas; one consisting of Dallas–Plano–Irving, and the other consisting of Fort Worth–Arlington).

Cities are eager to obtain the highest possible statistical designation because many congressional appropriations are made accordingly. For example, to qualify for mass transit funds, an area must be an MSA. The business community also uses data on population concentrations for market analysis and advertising.

Texas's rate of population growth is consistently greater in the MSAs than throughout the state as a whole. Most of these population concentrations are in the eastern part of the state and the Rio Grande Valley of South Texas. Texas's MSAs contain more than 80 percent of the state's population but less than 20 percent of the 254 counties. It is politically significant that these 48 counties potentially account for about four out of every five votes cast in statewide elections. Thus, governmental decision makers are answerable primarily to people living in one-fifth of the state's counties. The remaining four-fifths, constituting the bulk of the state's area, have one-fifth of the people. Urban voters, however, are rarely of one mind at the polls; they do not tend to overwhelm rural voters by taking opposing positions on all policy issues.

Racial/Ethnic Groups

When answering questions on ethnicity and race for the 2000 census, 32 percent of all respondents in Texas indicated that they were Hispanic or Latino (without identifying race), 1.1 percent claimed a heritage of two or more races, and 66.9 percent said they were neither Hispanic nor Latino and were of one race. Racial categories within the last group were as follows:

White	52.4 percent
Black or African American	11.3 percent
Asian	2.7 percent
American Indian and Alaska Native	0.3 percent
Native Hawaiian and other Pacific Islander	0.1 percent
Some other race	0.1 percent

In 1980, two-thirds of all Texans were called Anglos (that is, white people who were not identified as Hispanics or Latinos). By 2000, only slightly more than half of the Texas population could be classified as Anglo. As of 2003, about 60 percent of births in the state are minority births, with Latino births accounting for half of all newborn. Murdock projected the following population percentages for the year 2010 if the rates of net migration from other countries and other states decrease to one-half of those for 1980–1990: Anglo, 47.6; Hispanic, 37.2; African American, 11.3; and other (Asian and Native

American), 3.9. In this scenario, Anglos would no longer constitute a majority; they would be outnumbered by the combined total of other groups. In a similar scenario, Murdock projected the following population percentages for the year 2040: Anglo, 32.5; Hispanic, 52.5; African American, 9.4; and other, 5.6. At this point, Hispanics would constitute a majority.[15]

Anglos As commonly used in Texas, the term **Anglo** is not restricted to persons of Anglo-Saxon lineage. Traditionally, the term applies to all whites except Latinos. By 1800, Anglo settlements began to appear in East Texas. Prior to the Civil War, over half of the state's Anglo residents had migrated from Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.[16] Most remained in the eastern half of the state as farmers. Although the first non-Spanish-speaking immigrants to Texas were largely of English ancestry, some were of Scottish, Irish, or Welsh ancestry. Additional European settlers included French, Scandinavian, and Eastern European peoples, together with a scattering of Italians, Greeks, and others.

A significant number of German immigrants established settlements in the Hill Country west and north of San Antonio before the Civil War. It has been estimated that as many as 24,000 German immigrants and descendants were settled in the Hill Country by 1860. Most opposed slavery on principle, while others simply had no need for slaves. As a result, fourteen counties in Central Texas voted 40 percent or higher against secession in 1861. The area was scarred by what a historian called "a civil war within a Civil War,"[17] as hundreds of Union and Confederate sympathizers were killed in armed confrontations. Although Anglo migration into the state declined during the Civil War and Reconstruction, it resumed by the 1870s. By the turn of the twentieth century, the largest migration came from the border states, the Northeast, and the Midwest.

According to the 2000 census, over 52 percent of Texas's population is composed of "non-Hispanic whites." Population projections show, however, that the percentage of Anglos in the state will decline and the percentage of other racial/ethnic groups will increase.

Latinos Until 1836, Texas history is part of the history of Spain and Mexico. From 1836, when Texas acquired independence from Mexico, until 1900, immigration from Mexico all but ceased. **Latinos** remained concentrated in settlements such as Goliad, Laredo, and San Antonio, founded during the eighteenth century. However, most of the Latino population was located within the regions of Central and South Texas. In South Texas, they composed a majority of the population despite the increased number of Anglo arrivals after the Mexican War of 1846–1848 (which followed admission of Texas into the Union). In the years after the Civil War, Latinos moved west, migrating along with Anglo settlers to displace Native Americans from their lands and to convert the prairies into cattle and sheep ranches.

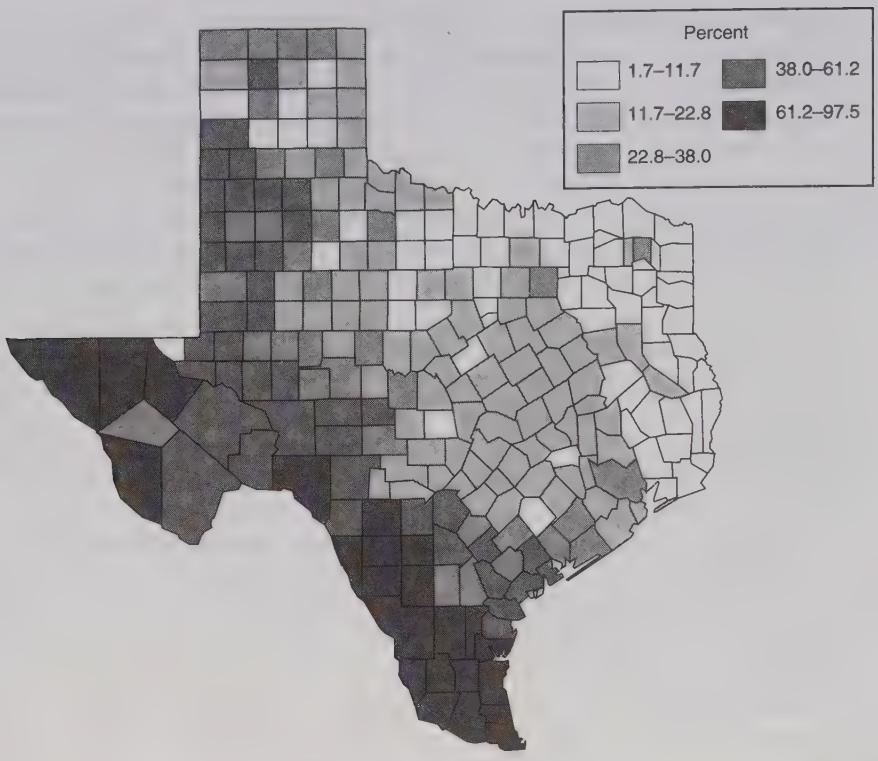


Figure 1.2 Percentage of Persons Who Are Hispanic or Latino (of any race), Texas by County Census 2000
Source: U.S. Census Bureau.

Early in the twentieth century, the rise of commercial agriculture created the need for seasonal laborers. Consequently, many Latinos picked cotton, fruits, and vegetables. Others found work as day laborers or used their skills as ranch hands or shepherds. Although Texas became more urbanized following World War I, Latinos remained mostly an agrarian people. After World War II, however, increased numbers of Latinos left agricultural work and sought employment opportunities in the industrializing cities. Most of them experienced improvements in wages and working conditions in unskilled or semiskilled positions, though a growing number of Latinos entered managerial, sales, and clerical professions.[18] In the second half of the twentieth century, Texas's Latino population was enlarged by a relatively high birth rate and a surge of both legal and illegal immigration from Mexico and other countries in the Western Hemisphere. In the 1980s, Texas's Latino population became more diverse in terms of country of origin following an increase in immigrants from Central America, South America, and the islands of the Caribbean.

By 2000, Texas Latinos numbered about 6.7 million, or nearly one-third of the state's population. More than 76 percent of Texas Latinos are of Mexican origin. Texas ranks second in the nation in the number of Latino residents; only California, with about 11 million in 2000, has more. In 24 Texas counties, more than 61 percent of the population is Latino. (See Figure 1.2.)

The economic strength of Texas's Spanish-surnamed citizens is on the increase. Latinos typically have larger families and are younger than the Anglo population. Immigration from Mexico and other Spanish-speaking countries is expected to continue throughout the twenty-first century. The political influence of Latinos is also increasing. Between 1846 and 1961, only nineteen Latino politicians were elected to seats in the Texas legislature. However, since 1961, Latinos have won elections to local, statewide, and national positions. In 1984, with the election of Raul Gonzalez to the Texas Supreme Court, the first Latino won a statewide office. By 2003, Latino elected officials in Texas numbered over 2,200, the largest number of any state in the United States. This figure represents approximately 40 percent of all Latino elected officials in the country. In 2002, the first Latino was nominated by a major party to lead a statewide ticket when the Texas Democratic Party nominated Tony Sanchez for governor. Although Sanchez was recruited to run for this office largely in an effort to increase voter turnout among Latinos, the Latino turnout in 2002 remained below the state average. Organizations such as the League of United Latin American Citizens (LULAC) and the Southwest Voter Registration Education Project have worked to increase voter registration and turnout among Latinos in recent years. In 2003, six Latinos represented Texas in the U.S. House of Representatives, while 37 served in the Texas Legislature: 7 senators and 30 representatives.

African Americans The first **African Americans** entered Texas as slaves of Spanish explorers in the sixteenth century. By 1792, it was reported that Spanish Texans included thirty-four blacks and 414 mulattos.[19] Some of them were free men and women. About the time slavery was abolished in Mexico, Anglo settlers brought larger numbers of black slaves from the United States to Texas. In addition, a few free African Americans came from northern states before the Civil War. By 1847, African Americans accounted for one-fourth of the state's population. During Reconstruction, there was a small wave of freemen migration into Texas. Many African Americans also moved from the state's rural areas to large cities. They often resided in "freedmantowns" that became the distinct black neighborhoods on the outskirts of these cities. Some of these freedmantowns have been preserved by various historical associations. Black labor also contributed substantially to the economic development of Texas cities and helped make the state's transition from its agrarian roots to an increasingly industrialized society. In 1880, the African American population in Texas numbered about 400,000.

In 2000, Texas had 2.4 million African Americans, more than 11 percent of the state's population. Although the African American population has continued to grow, it is at a much slower rate than other ethnic groups. Today, Texas has the third largest number of African Americans in the nation after New York and California. Most are located in southeast, north central, and northeast Texas, where they are concentrated in large cities. In recent years, a significant number of Africans have immigrated to the United States and settled in Texas. Their search for employment and their desire for a higher standard of living have prompted this migration. Over half of the state's African Americans reside in and around Houston (approximately 630,000), Dallas (450,000), Fort Worth (185,000), San Antonio (100,000), and Beaumont (85,000) in Jefferson County. Although African Americans do not constitute a majority in any Texas county, according to 2000 census figures, Jefferson County has the largest percentage of African Americans, 33.7 percent.

Like Latinos, as the African American population in Texas increased, so did its political influence. From the years following Reconstruction until 1958 (when Hattie White was elected to the Houston Independent School District Board of Trustees), no African American had held elective office in the state. In 1972 Barbara Jordan became the first African American since Reconstruction to represent Texas in Congress, and in 1992 Morris Overstreet became the first African American to win a statewide office when he was elected to the Texas Court of Criminal Appeals. Today, African American Texans hold local, statewide, and national offices. In 2002, Ron Kirk became the first African American Texan to be nominated by a major party (Democratic) for a U.S. Senate seat. Although Kirk was unsuccessful in his Senate bid, two African Americans (Eddie Bernice Johnson, D-Dallas, and Sheila Jackson Lee, D-Houston) represented Texas in the U.S. House of Representatives in 2003, while 16 African Americans served in the Texas Legislature: 2 in the Senate and 14 in the House of Representatives.

Asian Americans Few members of Texas's three largest ethnic populations (Anglo, Latino, and African American) are aware that the Lone Star State is home to one of the largest **Asian American** populations in the nation. Most of Texas's Asian American families have immigrated to the United States from Southeast Asia (Cambodia, Laos, and Vietnam in particular), but a growing percentage are American born. Compared with Latinos and African Americans, however, Asian Americans are newcomers to Texas.

Most Asian Americans settle in the state's largest urban centers, Houston and the Dallas–Fort Worth Metroplex. Texas has two counties among the top fifty in the nation with the highest concentration of Asian Americans by percentage: Fort Bend, with 39,706 Asian Americans (11.2 percent of the population) ranks 22nd, and Collin, with 34,047 (6.9 percent) ranks 43rd. Although many are unskilled laborers, about half of Texas's first-generation Asian Americans entered this country with college degrees or completed de-



Ron Kirk, U.S. Senate nominee in 2002 (© Bob Daemmrich Photography, Inc.)

grees later. The intensity with which the state's young Asian Americans focus on education is revealed by enrollment data for the University of Texas at Austin. Although Asian Americans account for only 2.7 percent of the total population of the state, they comprised 14 percent of the enrollment at the University of Texas at Austin and 17 percent of the enrollment at the University of Texas at Dallas in the spring 2003 semester.

Native Americans The Lone Star State owes part of its cultural heritage to **Native Americans**, who were called *indios* by Spanish explorers and American Indians by Anglo settlers. Today, relatively few Texans are identified as Native Americans, but some counties (Cherokee, Comanche, Nacogdoches, Panola, Wichita), cities and towns (Caddo Mills, Lipan, Nocona, Quanah, Watauga, Waxahachie), and other places have names that remind us that Native Americans were here first. In fact, the state's name comes from the word *tejas,* meaning "friendly," which was also the tribal name for a group of Indians within the Caddo Confederacy.

Prior to 1900, members of more than 50 Native American tribes or nations roamed the prairies or had permanent settlements within the territory that became Texas. The Comanches, who displaced the Lipan Apaches, were the most important tribe in shaping Texas history. Excellent horsemen, they were an obstacle to the northward expansion of Spaniards and the westward expansion of Anglos. By contrast, the Tonkawa were a peaceful tribe who lived in Central

Texas and often allied with the Anglos against the Comanches and the Wichitas, another important South Plains tribe. In East Texas, the Caddo lived in organized villages that had a complex and sophisticated political system.

Estimates of the number of Native Americans in Texas when the first Spaniards arrived range from 30,000 to 150,000. Traveling in the Lone Star State in 1856, after three decades of Anglo-Indian warfare, one observer estimated the state's Native American population at about 12,000.[20] In 2000, Texas's Native Americans numbered less than 70,000. Most of them reside in towns and cities, where they work in a variety of jobs and professions.

Only a few Native Americans live on Texas reservations. About 1,000 remnants of the Alabama and Coushatta tribes are found on a 4,351-acre reservation in Polk County in the Big Thicket region of East Texas. Far across the state, near Eagle Pass on the United States–Mexican border, live a few hundred members of another Indian group, the Kickapoo tribe. The governments of Mexico and the United States allow them to move back and forth between Texas and the Mexican state of Coahuila. A third Native American group, the 1,400-member Tigua tribe, inhabits a 100-acre reservation near El Paso.

Searching for New Economic Directions

Once identified in the popular mind with cattle barons, cotton kings, and oil millionaires, the image of the Lone Star State is changing. Because the petroleum industry is not expected to regain its former leading role in Texas business, restructuring the state's economy has been vigorously pursued since the 1980s. In so doing, leaders in business and government have launched new industrial programs within the context of rapidly changing national and international circumstances. Today, Texas is part of middle-class America, with its share of professionals and businesspeople employed by varied enterprises: law firms; universities; federal, state, and local government bureaucracies; real estate and insurance companies; wholesale and retail sales firms; and manufacturing, communication, and transportation industries. However, a continuing struggle to provide jobs and market goods and services calls for effective public policies, an educated and productive labor force, an adequate supply of capital, and sound management practices.For more than half a century, petroleum production and related enterprises led Texas's industrial development. Then, devastated by plunging oil prices in the mid-1980s, the entire Texas petroleum industry declined sharply. Even by the 1990s, with the price of oil on the rebound, Texans understood the danger of being overly reliant on one industry and recognized the need to develop an economically diverse economy. New industries have quickly spread across the state, making an impact on the Texas economy and now playing an important role in the national economy. In *Fortune*'s 2003 listing of the 500 largest private corporations in the United States, 45 were headquartered in Texas cities. Only two states had more than

Texas: California with 53, and New York with 52. Among the 22 cities having 5 or more of the *Fortune* 500, New York City led with 40, and Houston was second with 18. Dallas was among five cities tied for fifth place, with 7 of the *Fortune* 500 corporations.[21]

Energy

A natural offspring of the state's expansive oil and gas industries, the four largest private corporations in Texas, as identified in *Fortune*'s 2001 listing, were energy and energy related. Two of these corporations, Exxon-Mobil (second) and Enron (fifth) were among the five largest corporations in the United States.

Although Enron Corporation, headquartered in Houston, declared bankruptcy in December 2001, its revenues through the first three quarters of 2001 reached $139 billion.[22] The collapse of Enron represents the largest bankruptcy in U.S. history. Started in 1985 when Houston Natural Gas merged with Inter-North, based in Omaha, Nebraska, Enron provided the first nationwide natural gas pipeline system. During the 1990s, Enron moved into commodities trading, starting with natural gas and expanding into electricity. Ultimately it became the world's largest trader in electricity.

Through a variety of accounting tricks (with the assistance of accounting firm Arthur Anderson), undisclosed partnerships, and the formation of limited-liability companies, Enron reported inflated profits and reduced debt. Managers misled their employees, investors, and the general public regarding the company's financial condition. After declaring bankruptcy in 2001, Enron's stock plummeted from almost $80 to less than $1 per share. Investors lost billions of dollars. Thousands of employees lost their jobs and their retirements, while Enron executives reaped multimillions through undisclosed partnerships and by selling off stock before the collapse.

High Technology

The term **high technology** applies to research, development, manufacturing, and marketing of a seemingly endless line of electronic products. Among these are computers, calculators, digital watches, microwave ovens, telecommunications devices, automatic bank tellers, aerospace guidance systems, medical instruments, and assembly-line robots. Although high-technology businesses employ less than 6 percent of Texas's labor force, these enterprises contribute about 10 percent of all wages paid to private-sector employees. Most "high-tech" jobs are in manufacturing. Approximately 85 percent of all high-tech employment in Texas is centered in Austin, Dallas, El Paso, Fort Worth, Houston, and San Antonio. Major high-tech manufacturers include Motorola, Dell Computer, Compaq Computer (now a part of Hewlett-Packard), Texas Instruments, and Applied Materials (which produces machinery for manufacturing semiconductors).

The occupational structure of many high-tech companies differs from those of most other industrial firms. High-tech enterprises employ larger percentages of professional, technical, and managerial personnel. More than one-third of all high-tech jobs are in these categories, and wages and salaries are well above average. Recent reports of the American Electronic Association show that Texas has continued to rank second only to California in the size of its high-tech workforce. Early in 2001, more than 411,000 Texans held high-tech jobs paying nearly twice as much as the average for other private-sector positions. That same year, faced with weighty inventories and faltering personal computer sales worldwide, Austin-based Dell and Houston-based Compaq Computer were among several high-tech companies laying off or terminating large numbers of employees in highly publicized downsizing operations. In May 2002, Compaq announced its merger with Hewlett-Packard, laying off additional employees in Texas. Largely because of the weak personal computer market, the state's semiconductor and electronic component producers have also fared poorly. In mid-2002, Plano-based Electronic Data Systems announced that it was releasing more than 2,000 employees. Despite these recent developments, Governor Rick Perry and other leaders in Texas government and business have called for greater efforts to expand the state's high-tech industry, encourage relocation of high-tech companies from other states (especially California), and challenge Texas's community colleges and universities to educate more students for high-tech careers.

Biotechnology

The history of biotechnology dates back more than 6,000 years, when the Egyptians began using yeast to leaven bread, brew beer, produce wine, and make cheese. Today biotechnology ("biotech") is exerting a growing influence on the state's economy. This multibillion-dollar industry produces many new medicines and vaccines, exotic chemicals, and other products designed to benefit medical science, human health, and agricultural production. In the last two decades, biotech-related jobs have increased four times faster than the overall increase in employment in Texas. The Lone Star State currently ranks sixth in the nation in biotech-related jobs, employing more than 56,000 workers in this industry.[23]

In 1999, a Summit on Biotechnology for Agriculture, Food, Fiber, and Health was convened in Austin to develop a strategic plan that would make Texas a national leader in agricultural biotechnology and allied technologies. Texas A&M University has become a recognized national leader in the biotechnology revolution in agriculture. Supported by Monsanto and other biotech companies, scientists at Texas A&M University have played an important role in research leading to production of genetically modified organism (GMO) crops, such as corn, soybeans, and cotton. However, Greenpeace and other environmental groups have opposed the marketing of gene-altered prod-

ucts without long-term safety tests and have called for labeling of all foods containing GMOs.[24]

In February 2001, plans were unveiled for the Southeast Texas BioTechnology Park adjoining the Texas Medical Center in Houston. Modeled after the best practices of 29 leading biotech centers around the country, the 64-acre park was expected to have 15 buildings for 23,000 employees. Its scientists and technicians were expected to apply the results of life-science research for the manufacture of commercial products in the pharmaceutical and medical fields.[25] However, late in 2002, plans to build the biotech park were placed on hold because of financing difficulties and overly ambitious planning.[26]

Services

One of the fastest-growing economic sectors in Texas is the service industry. Employing one-fourth of all Texas workers, this sector continues to provide new jobs more rapidly than all other sectors. Service businesses include health care providers (hospitals and nursing homes); personal services (hotels, restaurants, and recreational enterprises such as bowling alleys and video arcades); and commercial services (printers, advertising agencies, data processing companies, equipment rental companies, and management consultants). Other service providers include investment brokers, insurance and real estate agencies, banks and credit unions, and a large variety of merchandising enterprises.

In 2001, the Texas service sector lost jobs for the first time in over 30 years. Many of these jobs were part-time positions in the areas of business services (personnel supply), the motion picture industry, and hotels. Terrorism concerns and economic weakness contributed to this loss. However, influenced by an aging population, the availability and use of new medical procedures, and the rapidly increasing cost of prescription drugs and other medical services, health services employment has steadily risen. Despite the recent downturn in the Texas economy, the Texas comptroller of public accounts estimates that the Texas service sector will grow at a rate of 4 percent annually.

Most service jobs pay lower wages and salaries than employment in manufacturing firms that produce goods. Thus, journalist Molly Ivins warns, "the dream that we can transform ourselves into a service economy and let all the widget-makers go to hell or Taiwan is bullstuff. The service sector creates jobs all right, but they're the lowest paying jobs in the system. You can't afford a house frying burgers at McDonald's, even if you're a two-fryer family."[27]

Agriculture

Endowed with a wide range of climates, hundreds of thousands of acres of arable land, and adequate transportation and harbor facilities, Texas's farmers and ranchers are well equipped to produce and market huge amounts of food and fiber. Today, Texas ranks second in the nation in agricultural

production. It leads the country in total acreage of agricultural land and numbers of farms and ranches, as well as in production of beef, grain sorghum, cotton, wool, and mohair (from Angora goats).

Gross income from the products of Texas agriculture amounts to about $14 billion annually, making agriculture the second largest industry in Texas. The estimated value of agricultural assets in the state (such as land, buildings, livestock, and machinery) is more than $80 billion. The nation's second largest exporter of agricultural products (behind California), the Lone Star State leads the country in exported cotton, much of which goes to Korea and Taiwan. Mexico is the largest buyer of Texas's farm and ranch products, and Japan is a major consumer of Texas-grown wheat and corn. Beef is the state's most important meat export.

Despite these impressive statistics, less than 2 percent of the state's jobs and total income are provided by farming and ranching. Furthermore, most agricultural commodities are shipped abroad or to other parts of the United States without being processed in Texas by Texans. Consequently, industrial development for processing food and fiber is needed if Texas is to derive maximum economic benefit from the products of its farms and ranches.

The number and size of Texas farms and ranches have changed greatly over the past eight decades. These developments are due largely to the availability of laborsaving farm machinery and the use of chemicals to kill weeds, defoliate cotton before harvesting, and protect crops from insects and diseases. In the 1930s there were more than 500,000 farms and ranches in Texas, with an average size of 300 acres. In 2002, the number of farms and ranches was about 230,000, and the average size was approximately 575 acres.[28]

Most small farms are operated by part-time farmers, many of whom are able to farm only because a spouse has nonfarm employment. Although agribusiness adds more than $80 billion to the Texas economy each year, the combined net annual income of all Texas farmers is under $3.1 billion. A large majority of them net less than $20,000 per year after production costs. When farm commodity prices are low (because of overproduction and weak market demand) or crops are poor (sometimes as a result of too much rain but usually because of drought), many farmers end the year deeply in debt. Some are forced to sell their land—usually to larger farm operators and sometimes to corporations. But some rich corporate executives, professional people, and politicians purchase agricultural property (especially ranchland) because such ownership is a status symbol they can afford—even though their land provides little or no income. Some use their agricultural property ownership to qualify for various exemptions and reductions for sales and property taxes at the state or local level and for federal income tax deductions. For economic reasons, much farm and ranchland in the vicinity of expanding cities is being sacrificed to urban sprawl. According to the U.S. Department of Agriculture, every minute, half an acre of Texas farmland is converted into part of a road, shopping mall, or subdivision.



A Mexican worker throws water on pigs he is raising near a chemical plant in Ciudad Juarez, across the border from El Paso. He blames the chemical waste for causing the death of some pigs. *(Photo by Joe Raedle/Newsmakers/Getty Images)*

Trade

In 1993, the U.S. Congress approved the **North American Free Trade Agreement (NAFTA)**, to which the United States, Canada, and Mexico are parties. By reducing and then eliminating tariffs over a 15-year period, the agreement has stimulated U.S. trade with both Canada and Mexico. Because more than 60 percent of U.S. exports to Mexico are produced in Texas or transported through the Lone Star State from other states, an expanding foreign trade produces more jobs for Texans, more profits for the state's businesses, and more revenue for state and local governments.

Maquiladoras (partner plants) on the Mexican side of the border typically use cheap labor to assemble imported parts for a wide range of consumer goods (for example, computers and TV sets) and then export these goods back to the United States. Only the value added in Mexico is subject to U.S. import taxes. Consequently, Texas border cities (especially Brownsville, McAllen, Laredo, and El Paso) attract many manufacturers who set up supply and distribution facilities in Texas that serve the maquiladoras in Mexico.[29] In late 2002, a report made by the director of the United Nations Development Fund for Women revealed that labor policies at maquiladora assembly plants, including late shifts and turning away employees for tardiness, endangered women in Ciudad Juárez, a Mexican city across the border from El Paso, where more than 75 women have been raped and murdered.[30]

NAFTA is not without its critics. Texas's garment industry has been adversely affected, especially in border counties. Several clothing manufacturers have closed their plants and moved to Mexico, Central America, the Caribbean islands, or Asia. Likewise, some fruit and vegetable producers in Texas have been hurt by Mexican competition. A growing volume of trucking on highways between Mexico and Canada has contributed to the air pollution in Texas and causes serious traffic problems that endanger the lives of all motor vehicle drivers and passengers while slowing the transportation of goods.

Since 1995, a succession of political and economic crises in Mexico has raised serious questions concerning the future of NAFTA. In fact, the survival of Mexico's political system has been jeopardized by assassinations of public figures, kidnappings of wealthy businesspeople, drug-related corruption of government officials, attacks on tourists, widespread unemployment and hunger in both urban and rural areas, and acts of armed rebellion (especially in the southern states of Chiapas, Oaxaca, and Guerrero).[31] However, the election of President Vincente Fox in 2000 raised hopes for expanding political democracy, reducing poverty, and suppressing crime and corruption in Mexico.[32] After dominating Mexican politics for 71 years, the Institutional Revolutionary Party (PRI) lost the presidency to Fox and his National Action Party (PAN). Fox's victory demonstrated Mexico's capacity for peaceful political change, but his country has serious economic and social problems. A more prosperous and stable Mexico would help reduce the flow of jobless workers to Texas and other parts of the United States. At the same time, the volume of trade between the two countries could be expected to grow even faster.[33]

Meeting New Challenges: Social and Economic Policy Issues

As we continue to move deeper into the twenty-first century, Texans are greatly affected by public policy decisions concerning the state's economy and its entire social order. The most important of these decisions relate to immigration and Texas's workforce, protection of the ecological system, job-creating economic development, technological changes in communications and industry, and restructuring and financing of public schools and institutions of higher education in the state.[34]

Social and economic influences on government, politics, and policymaking have been recognized since the days of ancient Greece. In recent years, Texas has experienced a wave of uncontrolled immigration and rapid economic change. Both of these developments pose problems for policymakers.

Immigration: Federal and State Problems

Since Texas became part of the Union, the meandering Rio Grande boundary with Mexico has been the source of many controversies. Controlling the flow of aliens across the river, deciding how long they can remain within U.S. terri-

tory, determining what labor (if any) they may perform, and other immigration policy matters are issues that affect state, national, and international politics. Persons entering the United States in violation of federal immigration laws are called **undocumented aliens**. Although they supply Texas employers with cheap labor, some compete with U.S. citizens for jobs and require costly social services for themselves or for their children who come into this country or are born here. As with immigration issues involving other racial and ethnic groups today and in earlier periods of American history, passions and prejudices produce explosive politics.

In response to heavy political pressure and 14 years of debate and political maneuvering, the U.S. Congress enacted into law the Immigration Reform and Control Act of 1986. This federal statute was designed to restrain the flow of illegal immigrants into the United States by penalizing employers who knowingly hire undocumented aliens and by appropriating funds to provide more enforcement personnel for the U.S. Immigration and Naturalization Service (INS), especially border patrol officers, whom Latinos refer to as *la migra*. Despite this act, hundreds of thousands of undocumented aliens have continued to enter Texas each year since 1986. Many are arrested, detained, and subsequently expelled from the country. Others voluntarily return to Mexico and other countries after earning money to support their families. However, many thousands of undocumented aliens remain in Texas and often are able to arrange for family members to join them. Some undocumented aliens are shamelessly exploited by employers, merchants, and landlords. Others receive fair wages and humane treatment. All, however, live and work in fear of arrest and deportation.

In the 1990s, an anti-immigration groundswell developed throughout most parts of the United States. Central to the controversy is the issue of costs and benefits resulting from both legal and illegal immigration. In 1994, Texas joined other states in suing the federal government to recover various costs (for example, health, welfare, education, and law enforcement) incurred from illegal immigration. That same year, President Bill Clinton appointed former U.S. representative Barbara Jordan to chair the Commission on Immigration Reform, and U.S. border patrol personnel intensified their efforts to halt the influx of undocumented aliens. Meanwhile, immigration issues continued to attract the attention of social scientists, special-interest groups, politicians, the general public, and policymaking officials at all levels of government in Texas and throughout the country.

With the approach of congressional and presidential elections in 1996, the matter of undocumented aliens became a "hot-button" issue that some politicians exploited. Before the November election, the U.S. Congress enacted the Immigration Control and Financial Responsibility Act of 1996, which was cosponsored by Representative Lamar Smith, a Republican from San Antonio. In addition to increasing the number of border patrol officers, the law increased penalties for immigrant smuggling and sped up the deportation of

illegal immigrants who used false documents or committed other crimes while in the United States.

In the wake of the terrorist attacks of September 11, 2001, the United States Congress passed the Enhanced Border Security and Visa Entry Reform Act of 2002, which President George W. Bush signed into law. The act concerns tracking international students accepted by educational institutions, the issuance of visas, and other details regarding foreign nationals. It authorizes an additional 200 inspectors and 200 investigators for the Immigration and Naturalization Service in each of the fiscal years 2003 through 2006. In addition, the act increases the pay and training of INS personnel, including border patrol agents. The act also provides an additional $150 million for improved border control technology, provides for creation of electronically maintained visa files that will be available to immigration inspectors, and requires the INS to integrate all of its data systems into one system. In June 2003, INS was folded into the U.S. Department of Homeland Security's new Bureau of Immigration and Customs Enforcement. (For a detailed study of immigration trends in Texas in the aftermath of September 11, see Reading 1.2, "Immigration After 9/11.")

Despite legal obstacles to immigration, low wages and high levels of unemployment in Mexico motivate masses of Mexican workers to cross the border in search of jobs. At the same time, many businesspeople, farmers, and ranchers in Texas and elsewhere are willing to violate U.S. law (and run the risk of incurring fines) by hiring undocumented aliens. They do so because other labor is unavailable or because illegal immigrants will work harder for lower wages.

Water

With the state's population expected to double by the middle of the twenty-first century, Texas faces a formidable challenge in meeting the water needs of its citizens. The state's current dependable water supply will meet only about 70 percent of projected demand by the year 2050. As the population continues to shift from rural to urban areas, and with the migration of people from other states to Texas cities, urban demands will increasingly compete with rural communities and agricultural interests for the same water. To meet this challenge and to provide necessary flows of water for maintaining the environment, Texas will need to rely on water conservation and alternative water management strategies.[35]

After a devastating drought in the 1950s, the Texas Legislature created the **Texas Water Development Board (TWDB)** in 1957 and mandated statewide water planning. Since then, the TWDB and the Texas Board of Water Engineers have prepared and adopted seven state water plans, including *Water for Texas—2002*. This plan differs from previous plans in that it was developed as a result of public participation (nearly 900 public meetings were held across the state) at each step in the process, and local and regional input con-

tributed to decisions to produce 16 regional water plans to form the basis of the State Water Plan. *Water for Texas—2002* makes several recommendations for development, management, and conservation of water resources and for preparation and response to drought conditions so that sufficient water may be available for the foreseeable future.[36]

Environmental Protection

Serious health problems are caused by the low quality of the air that many Texans breathe and the impurity of the water they drink. Some effects of environmental pollution are revealed in observations concerning fish and wildlife populations. For example, Texas (along with California, Hawaii, and Florida) leads all other states in the number of endangered fish and wildlife species.

Bordered by Florida, Alabama, Mississippi, Louisiana, and Texas, the Gulf of Mexico covers nearly 700,000 square miles, or seven times as much area as the Great Lakes. Industries in each of these states and Mexico release toxic chemicals directly into the gulf or into rivers that flow into it. Also contributing greatly to environmental problems in the gulf is the continuing flow of nitrate-laden rivers that draw their water from the chemically fertilized farms of rural areas and the lawns and gardens of cities large and small. With declining catches of fish, shrimp, and oysters from gulf waters, Texans must do with less seafood or import it from abroad at high prices. Of course, an obvious solution to the problem would be environmental protection measures designed to clean up the Gulf of Mexico and restore its productivity.[37]

Points to Ponder

Texas ranks

- #1 in toxic and hazardous waste.
- #1 in toxic manufacturing emissions.
- #1 in cancerous manufacturing emissions.
- #1 in toxic air emissions.
- #1 in cancerous air emissions.
- #1 in carbon dioxide emissions.
- #1 in "hazardous air pollutants" emissions.
- #1 in toxic water emissions.

Yet only

- #18 in per capita spending on air quality.
- #49 in per capita spending on water quality.
- #38 in water-quality planning.

Source: Texans for Public Justice.

Education and Economic Development

Along with a poor record of environmental protection, Texas gets low marks in other critical areas that affect its residents' quality of life and economic welfare. More well-paying jobs, along with rising productivity, depend largely on a well-educated Texas workforce. Teachers are the key element in any educational

system, but from year to year the Lone Star State is confronted with a shortage of certified personnel to instruct its 4 million elementary and secondary school students. Included within this total are more than half a million students with limited English proficiency.

Although estimates of the teacher shortage vary, the Texas Education Agency reports that about one-fifth of the state's 250,000 teachers quit teaching each year. Some retire, but most of them abandon their profession for reasons that include inadequate pay and benefits, low prestige, and time-consuming chores such as grading that often must be done at night and on weekends. Contributing to their decision to seek other careers is stress over student performance on standardized tests and classroom problems affected by the poverty and troubled home life of many students. The fact that educators struggle with their own economic problems is indicated by a Sam Houston State University study showing that 28 percent of Texas teachers surveyed were "moonlighting" or working after school hours and on weekends in other jobs.[38] Although the needs of teachers tend to be overlooked by the public, many Texans complain about students' high dropout rates, low levels of academic achievement, and inadequate preparation for work or college.

Success in dealing with educational needs will be especially important in determining Texas's ability to compete nationally and internationally in business as well as in science and technology. The urgency of this matter is suggested in studies that rank Texas near the bottom of the nation in the literacy of its residents. Of special concern to employers is the fact that one out of every three Texans cannot read and write well enough to fill out a simple job application. Moreover, the state loses many billions of dollars annually because most illiterate Texans are doomed to unemployment or low-paying jobs and thus generate little or no tax revenue.

Poverty and Social Problems

Although many of America's public figures stress the importance of family values, serious social and economic problems affect homes throughout the country. In the Lone Star State, there are alarming numbers of children living in poverty and in single-parent homes, births to unwed teenagers, juvenile arrests, and violent acts committed by teenagers and preadolescents. More than one of every five Texas children lives in poverty, and many children at all levels of society suffer from abuse and neglect. Estimates of the number of homeless people (including many children) vary widely, but at least 100,000—and perhaps more than 200,000—Texans are unable to provide themselves with shelter in a house or apartment. In 2001, more than one-third of Texas workers were earning less than $18,000 a year, below the federal poverty level for food stamps for a family of four.

Texas's limited response to the social and economic needs of its people continues to be the subject of much debate. Some Texans argue that any pub-

lic assistance for the poor is too much. They believe government assistance encourages dependence and discourages self-reliance, personal initiative, and desire to work. Other Texans advocate greatly increased government spending to help people who are unable to care for themselves and their families because of mental or physical health problems, lack of job opportunities, or age. Between these extremes are Texans who support a limited role for government in meeting human needs but call for churches and other nongovernmental organizations to play a more active role in dealing with social problems.[39] Texas voters, however, tend to support candidates for public office who promise lower taxes, tighter government budgets, fewer public employees, and reduction or elimination of social services. As a result, the Lone Star State ranks near the bottom of the 50 states in governmental responses to poverty and social problems.

Looking Ahead

As the process of economic development and diversification goes forward in Texas, some of the state's cherished values are being sorely tried. Many jobs are lost while others are being created, and old industries decline or die as new ones are established. Meanwhile, the lives of all Texans are affected—some for better and others for worse. Critical environmental problems—including air, water, and soil pollution—must be resolved at the same time the state's water supply is declining.

Natural disasters such as hurricanes, tornadoes, floods, and droughts will continue to present problems for individuals, businesses, and governments at all levels. Further, as indicated by federal census statistics, together with economic and social data from other sources, Texas policymakers must deal with an expanded aging population and a high incidence of poverty. Above all, both ordinary citizens and public officials must realize that their ability to cope with public problems now and in the years ahead depends largely on how well homes and schools prepare young Texans to meet the crises and demands of an ever-changing state, nation, and world.

The following chapter, "Federalism and the Texas Constitution," examines the position of the states within the federal Union and looks at the constitutional development of the Lone Star State, especially its much-amended Constitution of 1876.

Chapter Summary

- The political culture of Texas is both individualistic and traditionalistic. The individualistic culture is rooted in the state's frontier experience and includes economic and social conservatism, strong support of personal

politics, distrust of political parties, and minimization of parties' importance. The traditionalistic culture grew out of the Old South, where policies were designed to preserve the social order, a one-party system developed, and the poor and minorities were often disenfranchised. Today, these two cultures can still be found in the values, attitudes, traditions, habits, and general behavior patterns of Texans and in governmental policies of the Lone Star State.

- With over 267,000 square miles of territory, Texas ranks second in size to Alaska among the 50 states. Cattle, cotton, and oil have at different times dominated the Texas economy and influenced the state's politics. Today, Texas is a highly industrialized state in which high-technology products are of increasing importance.
- Texas has a population of about 21 million (2000 data). More than 80 percent of all Texans live in the state's most highly urbanized counties. The three largest groups are Anglos, Latinos (mostly Mexican Americans), and African Americans. Texas has a small but growing population of Asian Americans, but fewer than 70,000 Native Americans.
- Although the state's petroleum industry has declined in importance, Texas has become a leading manufacturer of computers and other high-tech products. Agriculture continues to be important in the state's economy but employs relatively few Texans. Service businesses provide many low-paying jobs.
- Challenges facing Texas are the need for measures that will more effectively address immigration, protect the environment, develop educational programs to meet the demands of an industrial society, and formulate policies for combating poverty and social problems.

Key Terms

politics
government
public policy
aliens
political culture
moralistic culture
individualistic culture
traditionalistic culture
political inefficacy
frontier experience
Jim Crow
patrón system
physical regions
Gulf Coastal Plains
Interior Lowlands
Great Plains
Basin and Range
Spindletop Field
Texas Railroad Commission
population shift
urbanization
suburbanization
metropolitanization
metropolitan statistical area (MSA)
primary metropolitan statistical area (PMSA)
consolidated metropolitan statistical area (CMSA)
Anglo
Latino
African American
Asian American
Native American
high technology
North American Free Trade Agreement (NAFTA)
maquiladora
undocumented alien
Texas Water Development Board (TWDB)

Discussion Questions

1. In what ways is Texas's political culture (individualism and traditionalism) reflected in politics, policies, and the people's attitudes about, and expectations of, government today?
2. What political advantages are there to Texas's being the second most populous state in the nation?
3. What challenges for government are presented by the growing urban population of the state in cities such as Houston, San Antonio, Dallas, and Fort Worth? How can government respond to these challenges?
4. What challenges for government are presented by the state's shrinking rural population? How can government respond to these challenges?
5. How have various ethnic and racial groups contributed to the state's culture and economic development?
6. What challenges for government are presented by the racial and ethnic diversity of Texas? How can government respond to these challenges?
7. What industries are essential to sustain and continue to develop the Texas economy in the twenty-first century?
8. What social services are essential to sustain and continue to develop the Texas economy in the twenty-first century?

Internet Resources

The Handbook of Texas Online: **www.tsha.utexas.edu/handbook/online**
Texas Department of Agriculture: **www.agr.state.tx.us**
Texas oil industry: **www.rrc.state.tx.us**
Texas State Data Center: **txsdc.tamu.edu**
Texas State Library and Archives Commission: **www.tsl.state.tx.us/lobby/reffirst.htm**
United States Census Bureau: **www.census.gov**
Window on State Government: **www.window.state.tx.us**

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Selected Readings

1.1 Populating Texas*

Joe Holley

Physical geography changes slowly, but human geography is much more dynamic. For example, the area of the Lone Star State increases or decreases only slightly from decade to decade as boundary rivers erode their banks and as seawater adds or takes away soil along the Texas shore of the Gulf of Mexico. On the other hand, the state's large, racially and culturally diverse population is increasing rapidly. In describing Texas's population trends, Joe Holley focuses on urbanization and migration.

A state that counts lonesome cowboys, frontiersmen and Texas Rangers as its icons certainly has a lot of people these days, not to mention three of the largest and several of the fastest-growing cities in the nation. Originally carved out of empty spaces within the borders of Mexico, an independent nation with some 50,000 Texans in 1836, Texas today [2001] boasts a population of nearly 21 million. Throughout much of the state, the wide-open spaces are rapidly filling up.

Texas, as the official 2000 census underscores, is truly an urban state, and has been for a long time. With an official population of 20,851,820, there are more Texans than there are New Yorkers, making the Lone Star State the nation's second most populous. The state's rate of growth from 16.9 million in 1990 outpaced the nation's 13 percent growth rate.

Among the state's five largest cities, Austin's population exploded with a 41 percent increase to 656,562. El Paso grew 19.5 percent to 563,662. Texas has more metropolitan areas than any other state, including four with million-plus populations.

"We've had extensive growth throughout the century," said Steven Murdock, the state demographer and a professor of rural sociology at Texas A&M University. "Every decade our growth has exceeded the growth of the country as a whole." Murdock points out that the 3.9 million new Texans over the past decade represent the combined 1990 populations of Houston, Dallas and San Antonio. "That 3.9 million is more than the populations of 24 of the 50 states," he said.

The census numbers show that Texas is increasingly diverse culturally and racially. The state's Hispanic population grew 54 percent, from 4.4 million in 1990 to 6.7 million in 2000. The Asian population is now 2.7 percent of the Texas total, up from 1.8 percent. The state's African-American population remained relatively stable, going from 11.6 percent in 1990 to 11.3 percent in 2000.

In four of the state's five largest cities, Austin being the exception, Hispanics are the largest ethnic group. During the past 10 years, the Anglo population increased in 143 Texas counties, the Hispanic population in 227. "In 1990," Texas A&M's Murdock notes, "San Antonio was the state's largest Hispanic city. Now Houston has more Hispanics than San Antonio does, about 70,000 more."

*From the *San Antonio Express-News*, 25 March 2001. Copyright © 2001 *San Antonio Express-News*. Reprinted with permission. Joe Holley is a staff writer for the *Express-News*. Census data for this report were compiled by news researcher Carolyn Edds.

Those were the numbers as of April 2000, but they're like the unseen mass of an iceberg. They merely hint at the fascinating trends, developments and historic events that have combined to make Texas at the turn of a new century one of the most dynamic of the nation's megastates. And they can only suggest, however tentatively, where this state is headed.

Urbanization

Dallas, Houston, San Antonio, Fort Worth—and more recently Austin—throughout the 20th century drew millions of scattered Texans from surrounding areas. As San Antonio writer T. R. Fehrenbach points out in "Lone Star: A History of Texas and the Texans," most Texans living north of the Brazos River in East Texas moved toward Houston. South of the Colorado River, they tended to move southwest to San Antonio or, as Fehrenbach puts it, "in unending fragmented streams up from the Rio Grande."

Dallas pulled its hundreds of thousands from the old corn and cotton fields of the post-oak belt near the center of the state and from along the old farming line at the 98th meridian. With newcomers, many of them from only a short distance away, Texas cities kept spreading out into former corn and cotton fields, fields that new residents might once have harvested.

"By the 1960s," Fehrenbach notes, "a pattern was emerging in several Texas metropolitan areas. Large numbers, even majorities, no longer went downtown for any purpose, either to shop or work." In such sprawling metropolises as Houston, Dallas and San Antonio, that pattern continues.

The 1950 census was the first to show Texas with a predominantly urban population. Between 1940 and 1950, the state's urban population increased from 2.9 million to 4.8 million. Rural farm population decreased from 2.1 million to 1.3 million. The trend accelerated in the ensuing decades.

The rapid development of manufacturing, presaged by the growth of the oil industry, accelerated during World War II and afterward. Jobs were available in Houston and Dallas, and in the Golden Triangle—Beaumont, Port Arthur and Orange—where the state's massive petrochemical industry grew up.

Rural Texans took those jobs. Between 1940 and 1950, 141 of the state's 254 counties, most of them rural, lost population. In the mid-1950s, the residents of such towns as Round Rock and Georgetown in Williamson County were hard pressed to think of ways to revive their communities, particularly after Interstate 35 bypassed what was left of their downtowns.

With a pall of dust from nearby limestone quarries covering buildings and vegetation, Round Rock and Georgetown seemed left in history's wake. Forty years later, they are among the fastest-growing cities in the nation. Round Rock, home to Dell Computer and other high-tech firms, even has a minor-league baseball team.

While the population of most rural counties continues to decline—bringing an end to a traditional way of life and to rural dominance in the Texas Legislature—those counties within commuting distance of Texas cities have experienced a remarkable resurgence in recent years. Williamson County now has a population of 249,967, a 79.1 percent increase over 1990.

Collin County, north of Dallas, is the fastest-growing of all. A cotton-growing area for the first half of the century, Collin County steadily lost population every decade until the 1960s, when fringes of Dallas growth began to reach the county. The 2000 census shows that Collin County experienced an 86 percent population increase since 1990.

Counties within commuting distance of San Antonio and Austin, particularly in the picturesque Hill County, are experiencing similar explosive growth. Comal County, once considered rural, grew 50.5 percent in the '90s. With 78,021 residents and one of the largest school districts in the region, Comal has become a suburban area. New Braunsfels, the county seat, has almost 40,000 residents. Its population in 1980 was 22,402.

Jay Millikan, a Comal County commissioner, noted last week that his county has some 10,000 lots either under development or in the planning stages and is anticipating a population of 280,000 in 2030. As Millikan points out, that kind of growth puts a strain on water supply and water quality, on schools and on infrastructure.

Overall, nearly three-quarters of Texas's 254 counties grew in the past decade, although counties in West Texas and the Panhandle either lost population or remained static. Loving County, in far West Texas, posted the biggest decrease, losing 37 percent of its population. The figure is a bit misleading, since the county had 107 residents at the beginning of the previous decade. Now it has 67.

Other West Texas counties, if they're outside fast-growing metropolitan areas, will continue to decline, unless some cultural or economic development sends people back into the countryside. In the Snyder area, for example, Scurry County leaders are working to entice processing plants to the area, touting the West Texas region's agricultural advantages and its position athwart superb highway and rail connections to both coasts. Scurry County's population in 1950 was 22,779; today it's 16,361.

A&M's Murdock points out that the loss of population in the Texas Panhandle is part of a larger trend. The Panhandle is on the southern fringe of the Great Plains of the United States, which has been emptying out for years.

Migration

Much of the growth of Texas cities was attributable during the middle decades of the century to people from small towns moving to the big city, even as they took small-town Texas with them. "Many parts of Houston and Dallas look like small towns set end to end into infinity," writer Nicholas Lemann observed some years back, "and the symbolism of rural life is everywhere in the cities. The Texas cities in the '70s had among the highest divorce rates, murder rates and rates of church attendance in the country, all conditions typical of the fast first generation of urbanization."

In the early 1970s, as Lemann observes, newcomers from outside the state began arriving in increasing numbers. As Rust Belt jobs dried up, they came looking for work in the Sun Belt. With the oil embargo in the fall of 1973, the price of a barrel of oil immediately doubled. After rising steadily, it doubled again six years later. It was in those years that Texas became unmistakably urban. "Houston and Dallas, in particular, took on the feeling of major metropolises," Lemann wrote. The trend has continued as Austin, Houston,

Dallas–Fort Worth and to some extent San Antonio have become centers of high-tech and bio-tech development on a national scale.

Myron Gutman, director of the Population Research Center at the University of Texas in Austin, cites the continued growth in urban counties, not just suburban counties, as one of the notable findings of the 2000 census. "Texas may be the only state where the central cities grew by dramatic amounts," he said.

Newcomers continued to come from surrounding areas, but increasingly they also came from Mexico and Central America. Migration from the south helped fuel the other striking development the new census reveals: the rapid growth of the Hispanic population in Texas. It's part of a nationwide trend. America's Hispanic population increased almost 60 percent in the past decade, surpassing 35 million, according to the census. Hispanics now make up 12.5 percent of the population. In Texas, half of the Hispanic increase is a result of immigration, while the other half is what demographers call "natural increase."

"I get a lot of calls from outside Texas that reflect a lack of understanding that Texas is an old Hispanic state," Murdock says. "Most Hispanic Texans are multigenerational Hispanics who are having children." Murdock also points out that since about half of the 2 million increase in the Hispanic population is natural increase, it's likely to continue. Immigration increases, on the other hand, are affected by economic conditions.

The changing demographic face of the state presents real challenges to state government and to the Texas education system, says Rodolfo de la Garza, a professor of government at the University of Texas at Austin. "It means we have a lot of poor people, and we have to see what the state's going to do to help these poor people make their way up the ladder," he says. "We have to make sure the state helps the populace join the educational mainstream. If you don't fix this, within a few years you'll have a very hard time generating the kind of employees you need to run the state."

Murdock cites another concern: With the state's increasing diversification comes evidence of increasing segregation. Anglos are settling in the suburbs; Hispanics and African-Americans are settling in the central cities. Murdock's counterpart at UT-Austin, Myron Gutman, speculates the trends revealed in the 2000 census will continue. "Texas will continue to be more Hispanic, more urban and more suburban," he said. "I also think that it will continue to have a growing economy."

Perhaps even its icons will change in the coming decades. Gregorio Cortez, Ignacio Treviño, Juan Seguín and other Hispanic heroes may soon join cowboys and Alamo heroes in the Texas pantheon.

1.2 Immigration After 9/11*

Edith Austin and Spencer Franklin

This reading examines U.S. immigration policies and their impact on Texas immigration patterns in the months following the September 11, 2001, terrorist attacks.

In the aftermath of the events of September 11th, the policies of the United States with regard to immigration have become much more prominent in our national consciousness. Never in our nation's history has it seemed more important for our government to know exactly who is entering the country every day, where they are going once they arrive, and what they are doing while they are here. As lawmakers consider proposed changes to immigration law and agencies such as the Immigration and Naturalization Service (INS) come under review, it is useful to look at the policies that our country currently has in place governing entrance to the United States and to examine statistics from recent years that provide some information about the people who have been entering its borders.

The total population entering the United States each year from other countries may be divided into two groups: immigrants and non-immigrants. Immigrants are those people who seek to make the U.S. their place of permanent residence, while non-immigrants are those who are visiting, even if their visit may span several years, as in the case of a university student.

Immigrant Aliens

Since 1995, the number of legal immigrants to the United States each year has been limited to 675,000. This number is a "soft cap," however, which can be exceeded if the number of people meeting the admission criteria requires it. First consideration is given to those people who fall into the category of "unlimited immigrants," which is comprised of the immediate relatives of U.S. citizens and returning permanent U.S. residents who have been abroad for more than a year. An immediate relative is defined as the spouse, widow or widower, minor unmarried child, or parent of an individual. As the name implies, there is no numerical limit placed on immigration by people who meet the criteria of this category.

All remaining immigration takes place in the category of "limited immigrants," which is itself divided into three sub-categories. A minimum of 226,000 visas are issued each year for "family-based" immigration, which are claimed by immigrants who are non-immediate relatives of U.S. citizens and permanent resident aliens. A minimum of 140,000 visas are issued each year for immigration related to employment, which includes (among other cases) workers with exceptional ability in their fields and professionals holding advanced degrees. Finally, a maximum of 55,000 visas are issued each year through a lottery that is designed to bring in immigrants from countries with historically low rates of emigration to the United States.

Non-Immigrant Aliens

A non-immigrant is an alien admitted to the United States for a specific purpose and a limited period of time. Although the typical non-immigrant is a tourist who visits for a relatively short period of time, there are numerous classes of non-immigrant admission, covering everything from students to ambassadors.

According to statistics from the U.S. Immigration and Naturalization Service (INS), more than 31.4 million non-immigrant visas were issued during fiscal year 1999—the largest number of non-immigrant admissions in U.S. history. The vast majority of non-immigrant

Annual Number of Non-Immigrants Admitted to Texas

1999	1,716,120
1998	1,559,033
1997	data unavailable
1996	705,420

Source: U.S. Immigration and Naturalization Service.

Non-Immigrants Admitted to Texas in 1999 by Type

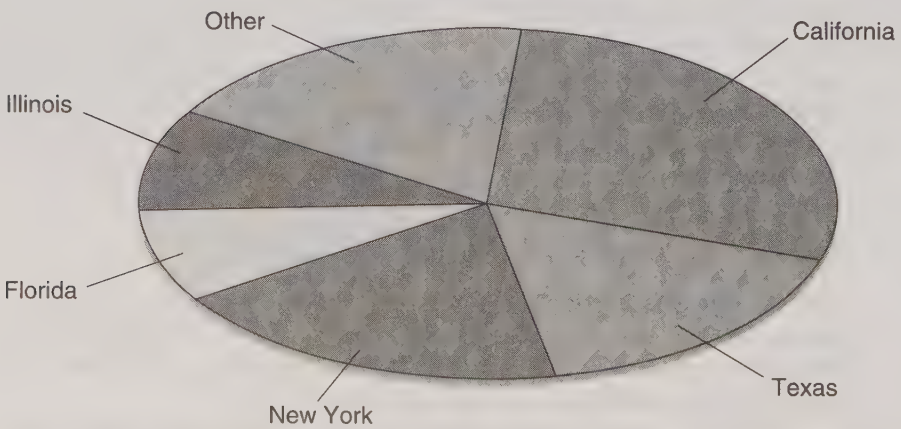
Visitors for pleasure (tourists)	1,207,000
Visitors for business	342,000
Intra-company transferees & family	38,000
Students & family	33,000
International officials	11,000
NAFTA agreement (work visas)	7,000
Other	62,000

Source: U.S. Immigration and Naturalization Service.

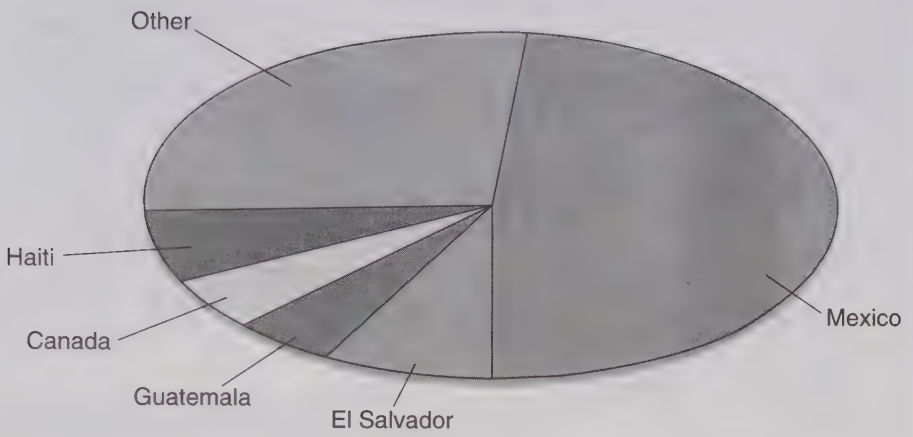
aliens (76.7%) entered as tourists, while more than 567,000 foreign students entered the United States to pursue degrees at American colleges and universities. In addition, these students were accompanied by nearly 37,000 of their spouses and children.

Illegal Immigration

The United States has traditionally been seen as the "land of opportunity." This leads people from around the world who are unable to qualify for legal immigrant status to risk deportation by taking up residence illegally. Often, the economic benefits of working in the



Largest 5 States by Illegal Immigrant Population (estimated, as of October 1996). *Source:* U.S. Immigration and Naturalization Service



Largest 5 Countries of Birth for Illegal Immigrants *Source:* U.S. Census Bureau and Bureau of Labor Statistics.

United States, even for a limited period of time, outweigh any possible repercussions stemming from illegal alien status. In fact, Mexican President Vicente Fox said in July 2001 that the 9% of his countrymen living in the United States earn more, collectively, than the 91% living in Mexico. (*Rolling Stone Magazine,* April 11, 2002, p. 64)

Immigration and Texas

The economic ties between Texas and Mexico have only been strengthened in recent years by legislation such as the North American Free Trade Agreement (NAFTA). The Texas economy expanded rapidly in the 1990s, and as a result many more workers were needed to fill the newly created jobs. Texas has come to rely upon immigration from other countries, most prominently our nearest neighbor Mexico, to supply a good deal of these much-needed workers. In fact, some of the fastest growing areas in Texas have been able to achieve that growth largely through their proximity to Mexico and their role in commerce between the two nations, as the data in the [table] helps to show.

The chart presents a look into the relationship between immigration and expansion as it has occurred in Texas in areas that border Mexico. According to the U.S. Census Bureau, all three of the metropolitan statistical areas listed were among the top 30 in the nation in percentage population growth from 1990 to 2000, with both the McAllen-Edinburg-Mission and Laredo MSA's making the top 10. In all three of these border area MSA's, the percentage growth of their Hispanic populations exceeded even the high level of general population growth. Without immigration, these areas would not have experienced such levels of growth, and may instead have stagnated or even contracted in size. This in turn would have limited the growth of the local labor force, which would have slowed any local economic expansion.

	Pop. (1990)	Pop. (2000)	Percent Growth	Labor Force (1990)
McAllen-Edinburg-Mission MSA	383,545	569,463	48.5%	172,602
Laredo MSA	133,239	193,117	44.9%	54,688
Brownsville-Harlingen–San Benito MSA	260,120	335,227	28.9%	102,587

	Labor Force (2000)	Percent Growth	Hispanic Pop. (1990)	Hispanic Pop. (2000)	Percent Growth
McAllen-Edinburg-Mission MSA	205,820	19.2%	326,972	503,100	53.9%
Laredo MSA	73,880	35.1%	125,069	182,070	45.6%
Brownsville-Harlingen–San Benito MSA	128,900	25.6%	212,995	282,736	32.7%

Source: U.S. Census Bureau and Bureau of Labor Statistics.

Illegal Immigration and Texas

President Vicente Fox of Mexico and President Bush have continued a dialogue on illegal immigration, border security and other matters of bi-national concern that began during President Bush's tenure as the governor of Texas. One approach to the problem of illegal immigration would be to expand the work-visa programs that are currently in place so that more foreign nationals working in the United States could reside here legally. Another approach would be an amnesty program to grant permanent legal resident status to the several million Mexican nationals who have already been living in the United States illegally for a substantial period of time.

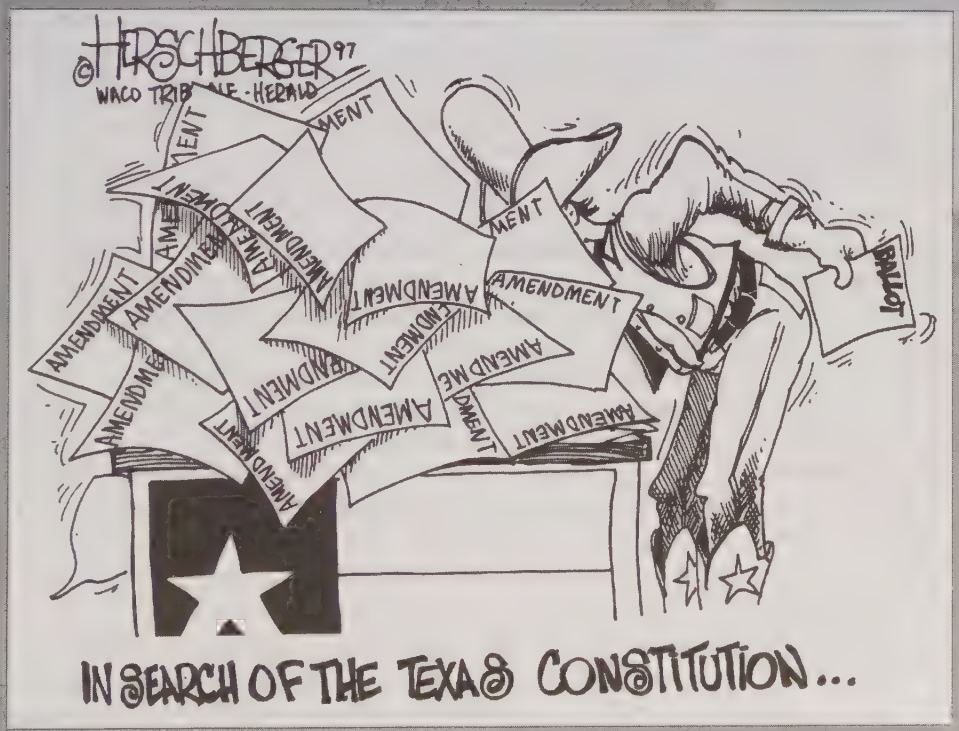
A Bush-backed amnesty proposal was criticized last year by some members of Congress who said it unfairly favored Mexican immigrants over those from other countries. Also, the United States does not want to be seen as rewarding people who have broken its laws, therefore becoming a magnet for additional illegal immigrants.

Immigration in the Post–September 11th World

Clearly, it is in the best interest of the United States to find an approach to immigration that will continue to allow our economy to profit from foreign tourism, foreign business travel and investment, and the enrichment of our workforce through the immigration process. At the same time, lawmakers are looking to improve the systems that are currently being used to track those people who visit our country to insure that they abide by the terms of their visas, whether as students, workers, diplomats, or tourists. Finding a middle ground between these two desires will hopefully allow both Texas and the United States to continue to reap the many benefits that come from the free-flowing exchange of people among nations.

Chapter 2

Federalism and the Texas Constitution



Waco/Tribune-Herald/Herschberger/Herschberger Cartoon Service

The Texas Constitution, adopted in 1876, serves as the Lone Star State's fundamental law. This document has been amended frequently over more than 12 decades (as illustrated by the cartoon at the beginning of the chapter). Lawyers, newspaper editors, political scientists, government officials, and others who consult the state constitution tend to criticize it for being too long and lacking organization. Yet despite criticism, Texans have expressed strong opposition to or complete disinterest in proposals for wholesale constitutional revision.

The Texas Constitution remains the primary source of the government's policymaking power. The other major source of government power is membership in the federal Union. Within the federal structure of government, the Texas Constitution is the state's fundamental law. Nevertheless, it is subject to the U.S. Constitution, which is part of "the supreme law of the land."

The American Federal Structure

Federalism can be defined as a structure of government characterized by the division of powers between a national government and associated regional governments. The heart of the American federal system lies in the relationship between the U.S. government (with the Capitol in Washington, D.C.) and the governments of the 50 states. Since 1789, the U.S. Constitution has prescribed a federal system of government for the nation, and since 1846 the state of Texas has been a part of that system.

Political scientist David Walker emphasizes the important role the states play in federalism: "The states' strategically crucial role in the administration, financing, and planning of intergovernmental programs and regulations—both federal and their own—and their perennial key position in practically all areas of local governance have made them the pivotal middlemen in the realm of functional federalism."[1]

Described by North Carolina's former governor Terry Sanford as "a system of states within a state," American federalism has survived two centuries of stresses and strains. Among the most serious threats were the Civil War, which almost destroyed the Union from 1861 to 1865, and a number of economic crises such as the Great Depression that followed the stock market crash of 1929.

Distribution of Powers

Division of powers and functions between the national government and the state governments was originally accomplished by listing the powers of the national government in the U.S. Constitution and by adding the **Tenth Amendment**. The latter asserts: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the People." Although the Tenth Amendment may seem to en-

dow the states with powers comparable to those delegated to the national government, Article VI of the U.S. Constitution contains the following clarification: "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." Referred to as the **national supremacy clause**, it emphasizes that the U.S. Constitution and pursuant laws and treaties created by the national government must prevail over constitutions and laws of the states.

Delegated and Implied Powers Article I, Section 8, of the U.S. Constitution lists powers specifically delegated to the national government. Included are powers to regulate interstate and foreign commerce, borrow and coin money, establish post offices and post roads, declare war, raise and support armies, provide and maintain a navy, levy and collect taxes, and establish uniform rules of naturalization. Added to these **delegated powers** was a clause that gives the national government the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof." Since 1789, Congress and the federal courts have used this grant of **implied powers** to expand the authority of the national government. For instance, the U.S. Supreme Court, in a case originating in Texas, gave significant leeway to Congress to legislate in matters traditionally reserved to the states. In this case, the Court allowed Congress to set a minimum wage for state and local employees.[2]

Limitations on the States As members of the federal Union, Texas and the other states are constrained by limitations imposed by Article I, Section 10, of the U.S. Constitution. For example, they may not enter into treaties, alliances, or confederations or, without the consent of Congress, participate in interstate or foreign compacts. Furthermore, they are forbidden to levy import duties on another state's products and must accept the Constitution, laws, and treaties of the United States as the supreme law of the land. From the Civil War and the U.S. Supreme Court's landmark ruling in ***Texas* v. *White*** (1869), Texans learned that states cannot secede from the Union. In the *White* case, the Court ruled that the national Constitution "looks to an indestructible union, composed of indestructible states." More recently, the states learned that they could not pass state laws limiting the number of terms for members of their congressional delegation. The U.S. Supreme Court held that term limits for Congress would be constitutional only if an amendment were added to the U.S. Constitution.[3]

Other provisions in the U.S. Constitution prohibit states from denying anyone the right to vote because of race, gender, failure to pay a poll tax, or age (if the person is 18 years of age or older). The Fourteenth Amendment forbids

states from denying anyone the equal protection of the laws or the privileges and immunities of citizens of the United States. Furthermore, no state may deprive persons of life, liberty, or property without due process of law.

Guarantees to the States The U.S. Constitution provides all states with an imposing list of **constitutional guarantees**. For example, states may be neither divided nor combined with another state without the consent of the state legislatures involved and Congress. Texas, however, did retain power to divide itself into potentially five states under the terms of its annexation to the United States.

Each state is entitled to protection against invasion and domestic violence and is guaranteed a republican form of government (that is, a representative government with elected lawmakers). In addition, Texas may have its own militia (National Guard units) and is assured that trials by federal courts for crimes committed in Texas will be conducted in Texas. Each state is also guaranteed that it will have two senators in the U.S. Senate and at least one member in the U.S. House of Representatives. As a result of the 2000 census, Texas gained two House seats; Texans now elect 32 representatives. As provided by the U.S. Constitution, Texas and the other states are involved in presidential elections through the electoral college. A state has one electoral vote for each of its U.S. senators and each of its U.S. representatives. Finally, Texas and other states participate equally in approving or rejecting proposed amendments to the U.S. Constitution. Approval requires ratification by either three-fourths of the state legislatures (used for all but the Twenty-First Amendment, which repealed Prohibition) or by conventions called in three-fourths of the states.

Points to Ponder

The most recent amendment to the U.S. Constitution, the Twenty-Seventh Amendment, was ratified in 1992 but was actually proposed in 1789. Interestingly, the joint resolution was discovered in 1982 by a student at the University of Texas at Austin while researching a paper on the Equal Rights Amendment. The forgotten amendment prevented congressional pay raises until after an intervening congressional election had been conducted and, at the time of its discovery, only 9 states had ratified it. Since the proposed amendment contained no time limit, completion of ratification by the required three-quarters of the state legislatures was possible between 1882 and 1992. Texas ratified it in May 1989.

Interstate Relations and State Immunity

Article IV of the U.S. Constitution provides that "citizens of each state shall be entitled to all **privileges and immunities** of citizens in the several states." This means that residents of Texas who are visiting in another state are entitled to all the privileges and immunities of citizens of that state. It does not mean, however, that such visiting Texans are entitled to all the privileges and immunities to

which they are entitled in their home state. In 1823, the U.S. Supreme Court defined "privileges and immunities" broadly as follows: protection by government, enjoyment of life and liberty, right to acquire and possess property, right to leave and enter, and right to the use of courts. Although corporations are legal persons, they are not protected under the privileges and immunities clause.

Article IV also states that "full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State." The **full faith and credit clause** means that any legislative enactment, state constitution, deed, will, marriage, divorce, or civil court judgment of one state must be officially recognized and honored in every other state. This clause does not apply to criminal cases. A person convicted in Texas for a crime committed in Texas is not punished in another state to which he or she has fled. Such cases are handled through extradition, whereby the fugitive would be returned to the Lone Star State at the request of the governor of Texas. Furthermore, for some felonies, the U.S. Congress has made it a federal offense to flee from one state to another for the purpose of avoiding arrest.

The Eleventh Amendment states that "the Judicial power of the United States shall not be construed or extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state." Recent U.S. Supreme Court cases have ensured that a state may not be sued by its own citizens, or those of another state, without its consent, nor can state employees sue the state for violating federal law.[4]

State Powers

Nowhere in the U.S. Constitution is there a list of state powers. As mentioned, the Tenth Amendment simply states that all powers not specifically delegated to the national government, nor prohibited to the states, are reserved to the states or to the people. The **reserved powers** of the states are therefore undefined and often very difficult to specify, especially when the powers are concurrent with those of the national government. Political scientists, however, often view these powers in broad categories:

- Police power (protection of the health, morals, safety, and convenience of citizens, and provision for the general welfare)
- Taxing power (raising revenue to pay salaries of state employees, meet other costs of government, and repay borrowed money)
- Proprietary power (public ownership of property such as airports, energy-producing utilities, and parks)
- Power of eminent domain (taking private property for highway construction or other public use at a fair price)

Needless to say, states today have broad powers, responsibilities, and duties. They are, for example, responsible for the nation's public elections—national, state, and local; there are no nationally operated election facilities.

State courts conduct most trials (both criminal and civil). States operate public schools (elementary and secondary) and public institutions of higher education (colleges and universities), and they maintain most of the country's prisons.

Identifying a clear boundary line between state and national powers is still complicated. For example, not until *United States* v. *Lopez* (1999), a case that originated in Texas, did the U.S. Supreme Court indicate that the U.S. Congress had exceeded its powers to regulate interstate commerce when it attempted to ban guns in the public schools. Operation of public schools has always been considered a power of state and local governments.[5] Since the establishment of the American federal system, however, states have operated within a constitutional context that has been modified to meet changing conditions.

An Evolving Process

The framers of the U.S. Constitution sought to provide a workable balance of power between national and state governments that would sustain the nation indefinitely. The fact that the American federal system has endured more than 200 years of stresses and strains attests to the wisdom and foresight of its framers. The ultimate test of endurance occurred during the Civil War, which pitted North against South in a struggle to settle the issue of states' rights versus national supremacy regarding slavery. Despite the Union army's victory in 1865, federalism did not end. The policymaking authority of the national government after the Civil War was not necessarily broader than before, although for a period of time, Texas was subject to military rule. Each state's position within the nation was essentially left intact, but southern states could no longer legalize slavery.

Between 1865 and 1930, Congress acted vigorously to regulate railroads and interstate commerce, and through grants of money to the states, it influenced state policymaking. With the onset of the Great Depression of the 1930s, the number and size of **federal grants-in-aid** grew as Congress gave more financial assistance to the states. As federally initiated programs multiplied, the national government's influence on state policymaking widened accordingly, with loss of state control over many areas. Since the 1980s, and particularly in the 1990s and later, however, state and local governments have been given more freedom to spend federal funds as they choose. However, in some areas, such as public assistance programs, they have been granted less money to spend.

This latest development in federal-state relations has been termed **devolution**. The underlying concept in devolution is to bring about a reduction in the size and influence of the national government by reducing federal taxes and expenditures and by shifting many federal responsibilities to the states. Because one feature of devolution involves sharp reductions in federal aid, states

are compelled to assume important new responsibilities with substantially less revenue to finance them. Consequently, Texas and other states have been forced to assume more responsibility in formulating and funding their own programs in education, highways, mental health, public assistance (welfare), and other areas.

Another important feature of devolution is an increasing utilization of **block grants** by Congress when distributing money to state and local governments. Block grants are fixed sums of money awarded according to an automatic formula determined by Congress. Thus, states receiving block grants have greater flexibility in spending. For example, welfare programs have been primarily the responsibility of the federal government, beginning with the administration of President Franklin D. Roosevelt (1933–1945) in response to the Great Depression. More recently, the Clinton administration (1993–2001) and a Republican-controlled Congress forced states to assume more responsibility in administering welfare programs to meet their needs.[6] President George W. Bush continued these trends and added a new twist to devolution by proposing federal assistance to faith-based organizations that provide social services to the poor and others, a program he instituted while governor of Texas.

The Texas Constitution: Politics of Policymaking

The Texas Constitution establishes the state's government, defines governing powers, and imposes limitations thereon. It is subject only to the U.S. Constitution, acts of Congress, and treaties; together these three types of law constitute "the supreme law of the land."

Political scientists and legal scholars generally believe that a constitution should not attempt to solve specific policy problems. Instead, it should indicate the process by which problems will be solved, both in the present and in the future. Presumably, if this principle is followed, later generations will not need to adopt numerous amendments. For example, a constitution might provide for the election of government officials, but the state legislature would enact the laws that schedule and regulate these elections.

The **preamble** to the Texas Constitution begins with, "Humbly invoking the blessings of Almighty God, the people of the state of Texas do ordain and establish this Constitution." These words are the start of a 28,600-word document that became Texas's seventh constitution in 1876. By the start of 2003, it had been changed by no fewer than 410 amendments and had grown to more than 93,000 words.

The major flaws of the present Texas Constitution are its unwieldy length and a lack of coherent organization of provisions. It has grown by amendment chiefly because the framers spelled out policymaking powers and limitations in minute detail. This, in turn, made frequent amendments inevitable, as constitutional provisions had to be altered to fit changing times and conditions.

How Do We Compare . . . in State Constitutions?

Comparison of Age and Length of State Constitution

Most Populous U.S. States	Year of Adoption	Approximate No. of Words
California	1879	54,000
Florida	1968	52,000
New York	1894	51,700
Texas	**1876**	**93,000**

U.S. States Bordering Texas	Year of Adoption	Approximate No. of Words
Arkansas	1874	59,500
Louisiana	1974	54,100
New Mexico	1911	27,200
Oklahoma	1907	79,100

Mexican States Bordering Texas	Year of Adoption	Approximate No. of Words
Chihuahua	1950	23,900
Coahuila	1918	29,400
Nuevo León	1917	20,700
Tamaulipas	1921	13,600

Sources: *The Book of States,* 2002 ed., vol. 34 (Lexington, Ky.: Council of State Governments, 2002), 14; Instituto de Investigaciones Jurídicas de la Universidad Nacional Autónoma de México, http://info4.juridicas.unam.mx

For more than a century, the Texas Constitution has continued to grow through an accumulation of amendments, most of which are essentially statutory (resembling a law made by the legislature). The result is a document that more closely resembles a code of laws than a fundamental instrument of government. To fully understand the present-day Texas Constitution, we will examine the historical factors surrounding it, as well as previous historical periods and constitutions.

Points to Ponder

Although nearly 90 years younger than the U.S. Constitution, the Texas Constitution is 10 times as long and has more than 15 times as many amendments as the federal document. The Texas Constitution contains misnumbered sections, misspelled words, and articles left blank. One sentence contains 756 words. Some sections devoted to the same subject are scattered throughout the body of the constitution rather than grouped in a single article.

Historical Developments

The Texas Constitution provides the legal basis on which the state functions as an integral part of the federal Union. But it is also important to remember that the Texas Constitution is a product of history and an expression of the dominant political philosophy of Texans. This fundamental law is a reflection of the moral and social principles of the people who adopted it and later generations that have added amendments.

Generally, constitution drafters have been pragmatic people performing an important task. Despite the idealistic sentiment commonly attached to constitutions in the United States, however, the art of drafting and amending constitutions is essentially political in nature. In other words, these documents reflect the views and political interests of their drafters, as well as the political environment of the time.

The **constitutional history of Texas** began nearly two centuries ago, when Texas was a part of Mexico. Each of its seven constitutions has reflected the political situation that existed when the document was drafted.[7] In this chapter, we see the political process at work as we examine the origins of these constitutions and note the efforts to revise and amend the current Texas Constitution.

The First Six Texas Constitutions In 1824, three years after Mexico gained independence from Spain, Mexican liberals established a republic with a federal constitution. Within that federal system, the former Spanish provinces of Tejas and Coahuila became a single Mexican state that adopted its own constitution. Thus, the Constitution of Coahuila y Tejas, which was promulgated in 1827, marked Texas's first experience with a state constitution.

Political unrest among Anglo Texans, who had settled in Mexico's northern area, arose almost immediately, however. A number of factors led the Texans to declare independence from Mexico, such as their desire for unrestricted trade with the United States, Anglo attitudes of racial superiority, anger over Mexico's abolition of slavery, an increasing number of immigrant settlers, and insufficient Anglo representation in the 12-member Texas-Coahuila legislature.[8] On 2 March 1836, at Washington-on-the-Brazos (between present-day Brenham and Navasota), a delegate convention of 59 Texans issued a declaration of independence from Mexico. The delegates then drafted the Constitution of the Republic of Texas, modeled largely after the U.S. Constitution. During this same time period, in an effort to retain Mexican sovereignty, General Antonio López de Santa Anna defeated the Texans in San Antonio in the siege of the Alamo on 6 March 1836. Shortly afterward, Sam Houston's Texans crushed the Mexican forces in the Battle of San Jacinto on 21 April 1836. Part of Texas's unique history is that it served as an independent nation for close to ten years until its annexation by the United States.

The relatively new republic petitioned the U.S. government for admission into the Union. Not until 1845 was annexation authorized by a joint resolution of the U.S. Congress after repeated attempts to make Texas part of the United States through a treaty of annexation, which among other things included the legality of slavery. Texas president Anson Jones called a constitutional convention, whose delegates drew up a new state constitution and agreed to accept the invitation to join the Union. In February 1845, after Texas voters ratified both actions of the constitutional convention, Texas became the 28th state of the United States.

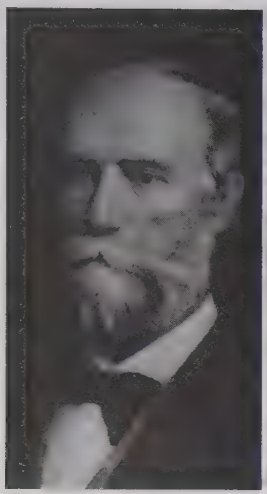
These events, however, set the stage for the war between Mexico and the United States (1846–1848). Historians argue that U.S. expansionist politicians and business interests actively sought this war. When the Treaty of Guadalupe Hidalgo between Mexico and the U.S. was signed in 1848, Mexico had lost over half of its territory, and Texas's southern boundary line was set at the Rio Grande.

The Constitution of 1845 lasted until the outbreak of the Civil War. When Texas seceded from the Union, the Secession Constitution was adopted in 1861, with the aim of making as few changes as possible in the structure and powers of the government. Only those changes necessary to equip the government for separation from the United States were included. Following the defeat of the Confederacy, however, the Reconstruction Constitution of 1866 was drafted amid a different set of conditions. Here, the framers sought to restore Texas to the Union with a minimum of changes in existing social, economic, and political institutions. Although the Constitution of 1866 was based on the Constitution of 1845, it recognized the right of former slaves to sue in the state's courts, to enter into contracts, to obtain and transfer property, and to testify in court actions involving blacks (but not in court actions involving whites). The Constitution of 1866 protected the personal property of African American Texans, but it did not permit them to vote, hold public office, or serve as jurors.

The relatively uncomplicated reinstatement of Texas into the Union ended abruptly when the Radical Republicans gained control of the U.S. Congress following the election of November 1866. Refusing to seat Texas's two senators and three representatives, Congress set aside the state's reconstructed government, enfranchised former slaves, disenfranchised prominent whites, and imposed military rule across the state. Military officers replaced civil authorities. As in other southern states, Texas functioned under a military government.

Under these conditions, delegates to a constitutional convention met in intermittent sessions from June 1868 to February 1869 and drafted yet another state constitution. Among other things, the new constitution centralized more power in state government, provided compulsory school attendance, and guaranteed a full range of rights for former slaves. This document was ratified in 1869. Then, with elections supervised by federal soldiers, Radical Republicans gained control of the Texas Legislature, and E. J. Davis, a former Union army general, was elected as the first Republican governor of Texas.

Historians have described Governor Davis's administration (January 1870 to January 1874) as one of the most corrupt in Texas history. The governor imposed martial law in some places and used police methods to enforce his decrees. His administration was characterized by extravagant public spending, property tax increases to the point of confiscation, gifts of public funds to private interests, intimidation of newspaper editors, and control of voter registration by the military. Although the Constitution of 1869 is asso-





E.J. Davis and the Constitutional Convention Delegates of 1875 (left: *painting by William Henry Huddle/Texas State Library and Archives Commission;* right: *Texas State Library and Archives Commission*)

ciated with the Reconstruction era and the unpopular administration of Governor Davis, the machinery of government created by this document was quite modern. The new fundamental law called for annual sessions of the legislature, a four-year term for the governor and other executive officers, and gubernatorial appointment (rather than popular election) of judges. It abolished county courts and raised the salaries of government officials. These changes centralized more governmental power in Austin and weakened government at the grassroots level.

In perhaps the most fraudulent election ever conducted in Texas, Davis (with 42,633 votes) was badly defeated in December 1873 by Democrat Richard Coke (with 85,549 votes). (See Reading 2.1, "Governor Had to Be Poll-Axed" on the transition of governors during this era.) The Democrats had gained control of the legislature in 1872; just two years later, they were able to wrest control of the state courts from the Republicans. The next step was to rewrite the Texas Constitution.

Drafting the Constitution of 1876 In the summer of 1875, Texans elected 75 Democrats and 15 Republicans (6 of whom were African Americans) as delegates to a constitutional convention; however, only 83 attended the gathering in Austin. The majority of the delegates were not native Texans. More than 40 percent were members of the Texas Grange (the Patrons of Husbandry), a farmers' organization committed to strict economy in government (reduced spending) and limited governmental powers. Its slogan of "retrenchment and

reform" became a major goal of the convention. So strong was the spirit of strict economy among delegates that they refused to hire a stenographer or to allow publication of the convention proceedings. As a result, no official record was ever made of the convention that gave Texas its most enduring constitution. Delegates, as a body, represented the unreconstructed element of the state rather than those who had been sympathetic to the Davis regime. (See Reading 2.2, "Of Rutabagas and Redeemers: Rethinking the Texas Constitution of 1876," for a new view of Grange influence during the convention.)

In their zeal to undo Reconstruction policies, the delegates overreacted on occasion. Striking at Reconstruction measures that had given Governor Davis control over voter registration, the overwrought delegates inserted a statement providing that "no law shall ever be enacted requiring a registration of voters of this state." Within two decades, however, the statement had been amended to permit voter registration laws.

As they continued to dismantle the machinery of the Davis administration, the delegates restricted the powers of state government. They reduced the governor's salary, powers, and term (from four to two years); made all executive offices (except that of secretary of state) elective for two-year terms; and tied the hands of legislators with biennial (once every two years) sessions, low salaries, and limited legislative powers. All judges became popularly elected for relatively short terms of office. Public services were trimmed to the bone. As further concessions to taxpayers, the delegates lowered salaries of public officials. They also limited the public debt and severely curbed the taxing and spending powers of the legislature. The delegates also inserted specific policy provisions. For example, they reinstated racially segregated public education and repealed the compulsory school attendance law. In addition to prohibiting voter registration, the convention restored precinct elections and allowed only taxpayers to vote on local bond issues. Justice of the peace courts, county courts, and district courts were established to stimulate local government.

Texas's most enduring constitution was put to a popular vote in 1876 and was approved by more than a two-to-one majority. Although Texans in the state's largest cities—Houston, Dallas, San Antonio, and Galveston—voted against it, the much larger rural population voted for approval.

Distrust of Government and Its Consequences Sharing in the prevailing popular distrust of and hostility toward government, the framers of the **Constitution of 1876** sought with a vengeance to limit and thus control policymaking by placing many restrictions in the state's fundamental law. The general consensus of the time held that a state government could exercise only those powers that were listed in the state constitution. Therefore, instead of being permitted to exercise powers not denied by the U.S. Constitution, for more than a century Texas lawmakers have been limited to those powers that are spelled out in the state's constitution. The inevitable result is a lengthy constitution that has grown longer with amendments.

Today: After More Than a Century of Usage

The structural disarray and confusion of the Constitution of 1876 compound the disadvantage of its excessive length. Yet with all its shortcomings, as of 2003 the Constitution of 1876 had endured for over 125 years.

It was inevitable that filling the Texas Constitution with statutory detail in 1875 would soon lead to constitutional amendments. In fact, virtually any substantive change in Texas government requires an amendment. For example, an amendment is needed to change the way the state pays bills, to abolish an unneeded state or county office, or to authorize a bond issue pledging the revenues of the state. Urbanization, industrialization, the communication revolution, population explosion, education demands, and countless social service needs have all produced pressures for constitutional change.

Most amendments that have been adopted apply to policy issues that should have been resolved by the state legislature. Instead, an often uninformed and usually apathetic electorate has decided the fate of policy issues. One proposal that received considerable public attention was the first one to appear on the ballot in 1999. It establishes the line of succession for governor. Faced with the possibility that Governor George W. Bush might be elected as president of the United States in 2000, this amendment would require then lieutenant governor Rick Perry to give up his position, allowing senators to elect an acting lieutenant governor to serve until a new lieutenant governor took office in January 2003 after the general election. Approved by an overwhelming majority of voters, the intent was to modify the language of the constitution which allowed the lieutenant governor to retain that position while also serving as governor whenever a gubernatorial vacancy occurred. This amendment proved to be important since Governor Bush was ultimately elected as president and Lieutenant Governor Perry took his place as governor.

Sixteen other amendments were voted on in 1999. The proposals ranged from issues concerning local officials to garnishment (withholding) of wages for the enforcement of court-ordered spousal matters, funding of higher education, and exempting property owned by charitable institutions from ad valorem taxation (a selective tax). Voters approved 13 of the amendments.

Points to Ponder

Among the joint resolutions proposing constitutional amendments that were considered but not adopted in the 77th legislative session were ones reforming the judicial selection process, lowering the voting age, placing a moratorium on the execution of persons convicted of capital offenses, giving Texans a right to privacy, and even one providing a constitutional right to hunt and fish.

The 77th Legislature (2001) ultimately proposed 19 constitutional amendments that were submitted to the voters in November 2001 (a 20th proposal was submitted to voters in November 2002).[9] Subjects of these proposals include selected exemptions from ad valorem taxation, general obliga-

tion bonds for certain projects and/or state agencies, and an increase in the commissioner of firefighters' term of office from two years to four years.[10] All the proposals were supported by more than 60 percent of the voters, with the exception of two ad valorem tax exemptions—for travel trailers, and for green coffee and raw cocoa inventories held in Harris County. The latter allowed Houston to become an international exchange port for coffee Each of these two amendments was approved by 52 percent of the voters.

In 2003, the legislature adopted 21 joint resolutions (a total of 22 amendments). H.J.R. 68 has two sections: the first section authorizes the Veterans Land Board to construct or acquire homes for veterans; the second section proposes a change in use of the Permanent School Fund. Twenty amendment proposals will be submitted to voters on 13 September 2003, while the remaining amendment (H.J.R. 61), allowing cities to give surplus fire-fighting equipment to rural volunteer fire departments, was set for 4 November 2003.

In addition to constitutional amendments that affect all Texans, **policymaking by constitutional amendment** affecting categories of counties, single counties, or individuals can also be found. For instance, Proposition 16 (adopted in 1999) concerns divisions of some counties into precincts. Specifically, the proposal stipulates that counties with populations of more than 18,000 but less than 50,000 must be divided into not fewer than two and not more than eight justice of the peace precincts. In 2002, voters approved an



How Do We Compare . . . in State Constitutional Amendments?

Comparison of Number and Frequency of State Constitutional Amendments, 2001

Most Populous U.S. States	No. of Amendments Since Adoption of Current Constitution	Average No. of Amendments per Year Through 2001
California	504	4.1
Florida	87	2.6
New York	215	2.0
Texas	**409**	**3.3**

U.S. States Bordering Texas	No. of Amendments Since Adoption of Current Constitution	Average No. of Amendments per Year Through 2001
Arkansas	88	.7
Louisiana	107	4.0
New Mexico	140	1.6
Oklahoma	161	1.7

Mexican States Bordering Texas	No. of Amendments Since Adoption of Current Constitution	Average No. of Amendments per Year Through 2001
Chihuahua	23	.5
Coahuila	256	3.1
Nueve León	330	3.9
Tamaulipas	107	1.3

Source: The Book of States, 2002 ed., vol. 34 (Lexington, Ky.: Council of State Governments, 2002), 14; see government web sites for Mexican states (e.g., www.coahuila.gob.mx).

amendment allowing counties to declare long-vacant constable offices dormant, a proposal that would impact very few counties.

To modernize the state constitution, one amendment adopted in 1999 authorizes elimination of certain "duplicative, executed, obsolete, archaic and ineffective provisions of the Texas Constitution." It eliminated such provisions as poll tax references and giving the governor authority "to protect the frontier from hostile incursions by Indians." A similar amendment was approved by the voters in 2001; it also eliminated several provisions that were obsolete or duplicative. Despite these measures to improve the Texas Constitution, problems still exist.

Constitutional Amendments and Revision

Each of the 50 American state constitutions provides the means for changing the powers and functions of government. Without a provision for change, most constitutions could not survive for long. Revisions may produce a totally new constitution to replace an old one. Courts may alter constitutions by interpreting the wording of these documents in new and different ways. Finally, constitutions may be changed by formal amendment, the chief method by which the Texas Constitution has been altered.

Because Texas's registered voters have an opportunity to vote on one or more proposed amendments nearly every year—and sometimes twice in a single year—an understanding of the steps in the amending process is important. Despite the restrictive government created in 1876, Article XVII, Section 1, provides a relatively simple procedure for amending the Texas Constitution. Basic steps in that process are as follows:

- A joint resolution proposing an amendment is introduced in the House or in the Senate.
- 100 or more votes of the House membership and 21 or more votes of the Senate membership (two-thirds of each chamber) adopt a joint resolution.
- The secretary of state prepares an explanatory statement describing the proposed amendment.
- The attorney general approves the explanatory statement.
- The explanatory statement is published twice in Texas newspapers that print official state notices.
- A copy of the proposed amendment is posted in each county courthouse at least 30 days before the election.
- The voters approve the proposed amendment by a simple majority vote in a regular or special election.
- The governor, who has no veto power in the process, proclaims the amendment.

In a regular session of the legislature (held at the beginning of odd-numbered years), any member of the House or Senate may introduce a joint

resolution proposing a constitutional amendment. Also, if requested by the governor, an amendment may be proposed during a special session. To be valid, a proposed amendment must be approved by a recorded vote of two-thirds of the entire membership of each house. The legislature also decides whether a proposed amendment will be submitted to the voters in the November general election of an even-numbered year or in a special election scheduled for an earlier date. In 1999, for example, the regular session of the 76th Legislature produced 17 proposed amendments that were submitted to Texas voters that same year. Similarly, the 77th Legislature submitted 19 proposed amendments to voters in November 2001, and it placed an additional amendment before voters in November 2002. (Table 2.1 provides data on amendments proposed and adopted from 1879 through 2002).

With the increasing influence of interest groups in the legislative process, there have been efforts to give Texans the powers of **initiative** and **referendum**. If adopted, the initiative process would bypass the legislature and allow individuals or groups to gather signatures required for submitting proposed constitutional amendments and statutes (ordinary laws) to direct popular vote. The referendum process would allow voters to gather signatures to challenge and potentially overturn statutes passed by state lawmakers. If initiative and referendum procedures were adopted, Texans would join voters in 18 other states in being able to propose and adopt their own laws and 28 states in being able to propose constitutional amendments.[11]

During the 75th legislative session (1997), efforts were made to submit an initiative-and-referendum constitutional amendment, but lawmakers awaited an outpouring of favorable public opinion before taking action. Because that was not forthcoming by the session's end in May 1997, Texas voters did not have an initiative-and-referendum option when they voted on other proposed amendments later that year. At the beginning of the 78th regular legislative session in 2003, there were no efforts to reignite the issue.

Constitutional Revision

Attempts to revise the Constitution of 1876 began soon after its adoption. A legislative resolution calling for a constitutional revision convention was introduced in 1887 and was followed by many more. Some gains were realized in 1969, when an amendment removed 56 obsolete constitutional provisions. Then in the 1970s, there were major efforts to revise the constitution.

The Revision Efforts of the 1970s

The most comprehensive movement to achieve constitutional revision began in 1971. That year, the 62nd Legislature adopted a joint resolution proposing an amendment authorizing the appointment of a study commission and naming the members of the 63rd Legislature as delegates to a constitutional convention. Except for the Bill of Rights, any part of the Texas Constitution of 1876

Table 2.1 Texas Constitution of 1876: Amendments Proposed and Adopted, 1879–2002

Year Proposed	Number Proposed	Number Adopted	Year Proposed	Number Proposed	Number Adopted
1879	1	1	1947	9	9
1881	2	0	1949	10	2
1883	5	5	1951	7	3
1887	6	0	1953	11	11
1889	2	2	1955	9	9
1891	5	5	1957	12	10
1893	2	2	1959	4	4
1895	2	1	1961	14	10
1897	5	1	1963	7	4
1899	1	0	1965	27	20
1901	1	1	1967	20	13
1903	3	3	1969	16	9
1905	3	2	1971	18	12
1907	9	1	1973	9	6
1909	4	4	1975	12	3
1911	5	4	1977	15	11
1913	7	0	1978	1	1
1915	7	0	1979	12	9
1917	3	3	1981	10	8
1919	13	3	1982	3	3
1921	5	1	1983	19	16
1923	22	1	1985	17	17
1925	4	4	1986	1	1
1927	8	4	1987	28	20
1929	7	5	1989	21	19
1931	9	9	1990	1	1
1933	12	4	1991	15	12
1935	13	10	1993	19	14
1937	7	6	1995	14	11
1939	4	3	1997	15	13
1941	5	1	1999	17	13
1943	3	3	2001	19	19
1945	8	7	2002	1	1
			Totals	**606**	**410**

Source: Texas Legislative Council.

could be changed or deleted. Submitted to the voters in 1972 as a proposed constitutional amendment, the resolution was approved by a comfortable margin of more than a half million votes (1,549,982 "yes" to 985,282 "no").

The Constitutional Revision Commission A six-member committee (composed of the governor, the lieutenant governor, the speaker of the House, the attorney general, the chief justice of the Texas Supreme Court, and the presiding judge of the Court of Criminal Appeals) selected 37 persons to serve as

members of the **Constitutional Revision Commission**. The commission prepared a draft constitution based on opinions and information gathered at public hearings conducted throughout the state and from various authorities on constitutional revision. One-fourth the length of the present constitution, the completed draft was submitted to the legislature on 1 November 1973.

The Legislative Constitutional Convention On 8 January 1974, members of both houses of the Texas Legislature met in Austin as a constitutional convention. Previous Texas constitutions had been drafted by convention delegates popularly elected for that purpose. When the finished document was put to a vote, the result was 118 for and 62 against. Thus, the two-thirds majority of the total membership needed for final approval lacked only 3 votes. (A total of at least 121 votes for approval was necessary.) Attempts to reach compromises on controversial issues proved futile.

Perhaps there has been no better demonstration of the politics surrounding Texas constitution making than the **Constitutional Convention of 1974**. First, the convention was hampered by a lack of positive political leadership. Governor Dolph Briscoe maintained a hands-off policy throughout the convention. Lieutenant Governor Bill Hobby similarly failed to provide needed political leadership, and the retiring speaker of the House, Price Daniel Jr., pursued a nonintervention course. Other members of the legislature were distracted by their need to campaign for reelection.

A primary reason the convention failed to agree on a proposed constitution was the phantom "non-issue" of a right-to-work provision. A statutory ban on union shop labor contracts were already in effect. Adding this prohibition to the constitution would not have strengthened the legal hand of employers to any significant degree; nevertheless, conservative, anti-labor forces insisted on this provision, and a pro-labor minority vigorously opposed it. The controversy aroused much emotion and at times produced loud and bitter name-calling among delegates on the floor and spectators in the galleries.[12]

A Legislative Proposal Stung by widespread public criticism of the 1974 convention's failure to produce a proposed constitution for public approval or rejection, the 64th Legislature resolved to submit a proposal to Texas voters. In 1975, both houses of the legislature agreed on a constitutional revision resolution comprising 10 articles in 8 sections to be submitted to the Texas electorate in November. The content of the articles was essentially the same as that of the final resolution of the 1974 convention.

The People Decide The revision proposed in 1975 represented years of work by men and women who were well informed on the subject of constitution making. Recognized constitutional authorities evaluated the concise and orderly document as one of the best-drafted state constitutions ever submitted to

American voters. Although new and innovative in many respects, the proposal did not discard all of the old provisions. In addition to retaining the Bill of Rights, the proposed constitution incorporated such basic principles as limited government, separation of powers, and bicameralism (a two-house legislature).

Nevertheless, Texas voters demonstrated a strong preference for the status quo by rejecting each proposition. Voters in 250 of the state's 254 counties rejected all eight proposals. A mere 23 percent of the estimated 5.9 million registered voters cast ballots, meaning that only about 10 percent of the state's voting-age population participated in this important referendum. When asked to explain the resounding defeat of the eight propositions, Bill Hobby, then lieutenant governor, responded, "There's not enough of the body left for an autopsy."

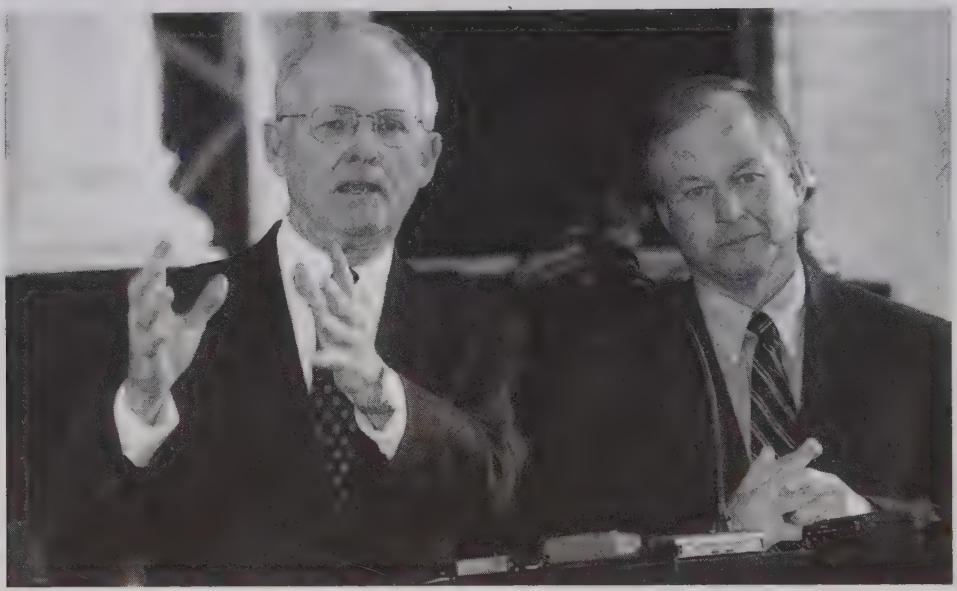
Recent Revision Attempts

After the revision debacle of 1975, two decades passed before another attempt to revise the constitution was made in 1995. Senator John Montford (D-Lubbock) drafted a streamlined constitution that incorporated many of the concepts contained in the failed 1975 proposal. Montford's plan also called for a voter referendum every 30 years (without legislative approval) on the question of calling a constitutional revision convention. But Montford resigned from the Texas Senate to become chancellor of the Texas Tech University System in 1996, and with such issues as tax changes, welfare reform, and educational finance pressing for attention, the 1997 legislature did not seriously consider constitutional revision.

Another attempt to revise the constitution was launched in 1998 by Senator Bill Ratliff (R–Mount Pleasant) and Representative Rob Junell (D–San Angelo). With assistance from San Angelo State University students and others, they prepared a complete rewrite of the much-amended 1876 document.[13] Subsequently, Ratliff and Junell introduced another draft for consideration by the 76th Legislature in 1999. It did not muster enough support for serious consideration in committee and never received a floor vote in either legislative chamber. This proposal would have trimmed the 80,000-word document to about 19,000 words. Significant changes included:

- Expanding powers of the governor
- Repealing the current partisan election method of selecting state judges
- Increasing salaries of the House speaker and the lieutenant governor

With senatorial approval, the governor would have the power to appoint most statewide officials, creating a cabinet-style administration. In addition, the governor would have appointive powers for all judges of state district courts, courts of appeals, the Texas Court of Criminal Appeals, and the Texas



Senator Bill Ratliff (R–Mount Pleasant) and Representative Rob Junell (D–San Angelo) at a press conference on constitutional revision in 1999. *(Senate Media Services)*

Supreme Court; voters would then be asked whether or not to keep these judges in "retention elections."[14] With redistricting and budget on its agenda, the 77th Legislature gave constitutional revision little attention in 2001.

Piecemeal Revision and Turnout for Voting on Amendments

Since constitutional reform has proved to be futile, Texas legislators have sought to achieve some measure of revision by other means, including legislative enactments and piecemeal constitutional amendments. In 1977, for example, the 65th Legislature enacted into law two parts of the 1975 propositions defeated at the polls. One established a procedure for reviewing state administrative agencies; the other created a planning agency within the governor's office. In 1979, the 66th Legislature proposed six amendments designed to implement parts of the constitutional revision package rejected in 1975. Three were adopted by the voters and added to the Texas Constitution. They accomplished the following:

- Established a single property tax appraisal district in each county (discussed in the chapter "Local Governments")
- Gave criminal appellate jurisdiction to 14 courts of appeals that formerly had exercised civil jurisdiction only.
- Allowed the governor restricted removal power over appointed statewide officials[15]

Two proposed constitutional amendments were defeated in the 1999 November election. Both proposals would have given the governor more authority over the adjutant general (a military officer who oversees the Texas National Guard) and the commissioner of health and human services. Texas voters once again expressed a preference for a legislative-controlled government, rather than a cabinet-style system.

In 2001, during the regular session of the 77th Legislature, Representative Rob Junell (D–San Angelo) submitted a proposal that was considered by the House Select Committee on Constitutional Revision. It won committee approval with a vote of four to one. Among other items, the proposal would have changed terms of office for state senators from four to six years and for House members from two to four years. It would also have created a Texas Salary Commission to set salaries for elected and appointed officials of the executive, judicial, and legislative branches. This proposal died because it was never brought up for a floor vote in the House.[16]

Part of the problem with piecemeal revisions by amendment relates to the low voter turnout that is typical in odd-numbered years. Roughly 8.3 percent of Texas voters participated in the 1999 election—about 950,000 of the state's 11.4 million registered voters. Notably, three counties had higher turnout rates. Bexar (San Antonio), Harris (Houston), and Midland Counties had turnout rates of 21.1 percent, 19 percent, and 24 percent, respectively. Voter interest in these counties was heightened by controversies surrounding publicly funded, local sports facilities on the ballot. Turnout in the 2001 special constitutional election for voting on 19 proposed amendments was less than 7 percent. This amounted to 800,000 of the 12 million registered voters. All proposed amendments were approved. In 2002, given the gubernatorial race and other competitive races, turnout was higher (36 percent), but only a single amendment was on the ballot. This proposal, which authorizes a county commissioner's court to declare a constable office dormant if it has not been filled for more than seven years, was approved by a popular majority of 79 percent.

The Texas Constitution: A Summary

Chiefly because of its length, complete printed copies of the Texas Constitution are not readily available to the public. Until publication of its Millennium Edition (2000–2001), the *Texas Almanac* was the most widely used source for the text of this document. That edition and the edition for 2002–2003, however, refer persons seeking the text of the Texas Constitution to the Internet (See this chapter's "Internet Resources.")

Although *Practicing Texas Politics* does not include the entire text of the Texas Constitution, each chapter looks to Texas's basic law for its content. The rest of the present chapter will present a brief synopsis of the document's 17 articles.[17]

The Bill of Rights

Eleven of the 30 sections of Article I, the Texas Constitution's **Bill of Rights**, provide protections for people and property against arbitrary governmental actions. Guarantees such as freedom of speech, press, religion, assembly, and petition are included. The right to keep and bear arms, prohibitions against taking of property by government action without just compensation, and forbidding impairment of the obligation of contract are also incorporated. Most of the rights found in the Texas Constitution are also protected by the U.S. Constitution. Thus, with their basic rights guaranteed in both national and state constitutions, Texans, like people in most states, have a double safeguard against arbitrary governmental actions. As the cartoon illustrates, since the events of September 11, 2001, constitutional guarantees against arbitrary governmental actions are increasingly important.

Thirteen sections of the Texas Constitution's Bill of Rights relate to the rights of persons accused of crimes and to the rights of individuals who have been convicted of crimes. For example, one section concerns the right to release on bail, another prohibits unreasonable searches and seizures, and a third declares that "the right to trial by jury shall remain inviolate." These provisions are closely related to similar language in the national Bill of Rights.

With regard to some rights, the Texas Constitution is even more protective than the U.S. Constitution. For example, attempts nationwide to add the



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proposed Equal Rights Amendment (ERA) to the U.S. Constitution failed between 1972 and 1982 (even though the amendment was approved by the Texas Legislature). Nevertheless, in 1972, the **Texas Equal Legal Rights Amendment (ELR)** was added to Article 1, Section 3, of the Texas Constitution. It states: "Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin." (See Reading 2.3, "Hermine Tobolowsky: Mother of Texas's Equal Legal Rights Amendment," for the history of the Texas Equal Legal Rights Amendment.) Additional protections include prohibitions against imprisonment for debt, outlawry (the process of putting a convicted person outside of the protection of the law), and transportation (punishing a convicted citizen by banishment from the state). Monopolies are prohibited within the Texas Bill of Rights but not in the U.S. Constitution. Likewise, an additional set of rights was added by a constitutional amendment in 1989 that guarantees the "rights of crime victims." Constitutional interpretation of the Texas Constitution by the Texas Supreme Court has also provided additional rights, such as the court's interpretation of Article VII, Section 1, requiring the state legislature to provide support and maintenance for an efficient system of free public schools.

Three sections contain philosophical observations that have no direct force of law. Still stinging from what they saw as the "bondage" years of Reconstruction, the angry delegates to the constitutional convention of 1875 began their work by inserting this statement: "Texas is a free and independent state, subject only to the Constitution of the United States." They also asserted that all political power resides in the people and is legitimately exercised only in their behalf and that those people may at any time "alter, reform, or abolish their government." To guard against the possibility that any of the rights guaranteed in the other 29 sections would be eliminated or altered by the government, Section 29 proclaims that "everything in this 'Bill of Rights' is excepted out of the general powers of government, and shall forever remain inviolate."

The Powers of Government

Holding fast to the principle of limited government, the framers of the Constitution of 1876 firmly embedded in the state's fundamental law the familiar doctrine of **separation of powers**. In Article II, they assigned the lawmaking, law-enforcing, and law-adjudicating powers of government to three separate branches, identified as the legislative, executive, and judicial departments, respectively.

Legislative powers are vested in the bicameral legislature, composed of a House of Representatives with 150 members and a Senate with 31 members. Article III is titled the Legislative Department. A patchwork of more than 60 sections, this article provides vivid testimony to more than 125 years of amendments directly affecting the legislative branch. For example, in November 1936, an amendment added a section granting the Texas Legislature the

authority to levy taxes to fund a retirement system for public school, college, and university teachers. Today, public school teachers and personnel employed by public universities and community colleges benefit from pension programs provided by the state.

Article IV, the Executive Department, states unequivocally that the governor "shall be the Chief Executive Officer of the State" but then provides for the sharing of executive power with four other popularly elected officers who are independent of the governor: the lieutenant governor, the attorney general, the comptroller of public accounts, and the commissioner of the general land office. The office of state treasurer was originally included in this list, but a constitutional amendment adopted in 1995 abolished the office. With this and other forms of division of executive power in the constitution, the Texas governor is little more than first among equals in the Executive Department.

Through Article V, the Judicial Department, Texas joins Oklahoma as the only states in the country with two courts of final appeal: one for civil cases (the Supreme Court of Texas) and one for criminal cases (the Court of Criminal Appeals). Below these two supreme appellate courts are the courts authorized by the Texas Constitution and created by the legislature: the intermediate appellate courts (14 courts of appeals) and hundreds of courts of original jurisdiction (district courts, county courts, and justice of the peace courts). In a constitution with separation of powers, the ideal judicial article need only create a court system, name at least one court, and specify the mode of selection and tenure of judges. In contrast, Article V of the Texas Constitution is full of legalistic wording addressed principally to lawyers and judges.

Suffrage

Article VI, titled **Suffrage** (the right to vote), is one of the shortest articles in the Texas Constitution. Prior to 1870, states had the definitive power to conduct elections. Since that time, amendments to the U.S. Constitution, acts of Congress, and rulings by the U.S. Supreme Court have vastly diminished this power. Within the scope of current federal regulations, the Texas Constitution establishes qualifications for voters, provides for registration of citizens for voting, and governs the conduct of elections. In response to changes at the federal level, this article has been amended to abolish the payment of a poll tax or any other form of property qualification for voting in the state's elections, and to change the minimum voting age from 21 to 18.

Local Governments

The most disorganized part of the Texas Constitution concerns units of **local government**: counties, municipalities (cities), school districts, and other special districts. Although Article IX is titled Counties, the provisions concerning county government are scattered through four other articles. To find all that is

contained on the subject, one must also read Article XI, Municipal Corporations; Article V, Judiciary; Article VIII, Taxation and Revenue; and Article XVI, General Provisions. Moreover, the basic structure of county government is defined not in Article IX on counties but in Article V on the judiciary. Article XI on municipalities is equally disorganized and inadequate. Only four of the sections of this article relate exclusively to municipal government. Other sections concern county government, taxation, public indebtedness, and forced sale of public property.

Along with counties and municipalities, the original Constitution of 1876 referred to school districts but not other types of special-district governments. Authorization for special districts, however, crept into the Texas Constitution with a 1904 amendment that authorizes the borrowing of money for water development and road construction by a county "or any defined district." Thereafter, special districts have been created to provide myriad services, such as drainage, conservation, urban renewal, public housing, hospitals, and airports.

Other Articles

The nine remaining articles also reflect a strong devotion to constitutional minutiae. Titles of these articles are as follows: Education, Taxation and Revenue, Railroads, Private Corporations, Spanish and Mexican Land Titles, Public Lands and Land Office, Impeachment, General Provisions, and Mode of Amendment. The shortest is Article XIII, Spanish and Mexican Land Titles. The entire text was deleted by amendment in 1969, because its provisions were deemed obsolete. The longest article is Article XVI, General Provisions. This article prohibits the bribing of public officials and the charging of usurious (excessively high) interest rates, authorizes the legislature to regulate the manufacture and sale of intoxicants, permits the use of convict labor to build public roads, and requires district and county officials to reside within their counties and districts.

Looking Ahead

Later chapters will demonstrate how the Texas Constitution affects the structure, functions, and procedures of the three branches of the state's government; the operation of political parties and interest groups within the state; and the financial arrangements for state and local units of government in Texas.

It is important to note that counties, municipalities, and special districts do not derive their powers and responsibilities from the federal government. Rather, these low-level governments receive their legal authority from state constitutional provisions and/or legislative requirements. The chapter "Local Governments" examines the structure and operation of these various forms of local government.

Chapter Summary

- The American federal system features a division of powers between a national government and 50 state governments. Powers not delegated (nor implied, as interpreted by federal courts) to the federal government are reserved to the states or to the people under the Tenth Amendment. A balance of power between the national and state governments has evolved over time.
- The Texas Constitution is the fundamental law that sets forth the powers and limitations of the state's government. Today's Texas Constitution is the country's second longest and, at the beginning of 2003, had 410 amendments. Most amendments are statutory in nature, so the document resembles a code of laws. Texas has had seven constitutions, each reflecting the political situation that existed when the document was drafted.
- The Constitution of 1876 has endured despite its excessive length, confusion, and statutory detail.
- Article XVII, Section 1, provides the procedure for amending the Texas Constitution. An amendment is proposed by a two-thirds majority vote of the members in each legislative chamber and approved by a simple majority of the state's voters in a general or special election. Unsuccessful efforts have been made to provide Texans with initiative and referendum processes.
- Although there have been efforts to revise the Texas Constitution, only piecemeal revisions have occurred. The Texas Constitution is composed of 17 articles. Included are the Bill of Rights, an article on suffrage, and provisions concerning the powers of state and local governments.

Key Terms

Tenth Amendment
national supremacy clause
delegated power
implied power
Texas v. *White*
constitutional guarantee
privileges and immunities
full faith and credit clause
reserved power
federal grant-in-aid
devolution
block grant
preamble
constitutional history of Texas
Constitution of 1876
policymaking by constitutional amendment
initiative and referendum
Constitutional Revision Commission
Constitutional Convention of 1974
Bill of Rights
Texas Equal Legal Rights Amendment
separation of powers
suffrage
local government

Discussion Questions

1. How does Texas constitutional history continue to influence Texas's present-day constitution and government?

2. What were your initial impressions of some of the kinds of constitutional amendments that have been considered and/or passed? Are these the kind of issues that should be placed in the Texas Constitution?
3. What recommendations would you offer to the state legislature to revise the Texas Constitution?

Internet Resources

FindLaw: U.S. Constitution: **www.findlaw.com/casecode/constitution**
National Governors Association: **www.nga.org**
Texas Constitution: **www.capitol.state.tx.us/txconst/toc.html**
Texas Legislature Online: **www.capitol.state.tx.us**
Texas Office of State-Federal Relations: **www.osfr.state.tx.us**
Texas Office of the Secretary of State: **www.sos.state.tx.us**
Texas State Historical Association Online: **www.tsha.utexas.edu**

Notes

1. David B. Walker, *The Rebirth of Federalism* (New York: Chatham House, 2000), 260.
2. See *Garcia* v. *San Antonio Metropolitan Transit Authority,* 469 U.S. 528 (1985).
3. See *U.S. Term Limits* v. *Thornton,* 514 U.S. 115 (1995).
4. See *Seminole Tribe* v. *Florida,* 517 U.S. 44 (1996); *Alden* v. *Maine,* 527 U.S. 706 (1999); and *Kimel* v. *Florida Board of Regents*, 528 U.S. 62 (2000).
5. See *United States* v. *Lopez,* 514 U.S. 549 (1995).
6. See Sanford F. Schram, "Introduction: Welfare Reform: A Race to the Bottom?" *Publius: The Journal of Federalism* 28 (Summer 1998): 1–8. (Special issue: "Welfare Reform in the United States: A Race to the Bottom?" edited by Sanford F. Schram and Samuel H. Beer.)
7. For a more detailed account of early Texas constitutions, see John Cornyn, "The Roots of the Texas Constitution: Settlement to Statehood," *Texas Tech Law Review* 26, no. 4 (1995): 1089–1218. The author served as a member of the Supreme Court of Texas and as the state's attorney general before being elected to the U.S. Senate in 2002.
8. See Leobardo F. Estrada, F. Chris Garcia, Reynaldo Flores Macias, and Lionel Maldonado, "Chicanos in the United States: A History of Exploitation and Resistance," in *Latinos and the Political System,* edited by F. Chris Garcia (Notre Dame, Ind.: University of Notre Dame Press, 1988), 28–64.
9. Michael Smith, "Senator Sets Sights on Hunting, Fishing Amendment," *Galveston County Daily News,* 21 February 2001. See also Juan B. Elizondo, "Texans Will Consider Nineteen Changes to Constitution," *Austin American-Statesman,* 3 July 2001; *Constitutional Amendments Proposed for November 2001 Ballot*, House Research Organization Focus Report No. 77-12 (Austin: Texas House of Representatives, 12 August 2001); and *Constitutional Amendment on November 2002 Ballot*, House Research Organization Focus Report No. 77-24 (Austin: Texas House of Representatives, 23 August 2002).
10. Bruce Hight, "Proposed Changes Show Constitution Could Use Updating," *Austin American-Statesman,* 21 May 2001. See also W. Gardner Selby, "19

Propositions Reflect Diverse Groups, Interests," *San Antonio Express-News,* 3 November 2001.

11. Thomas R. Dye, *Politics in States and Communities,* 11th ed. (Upper Saddle River, N.J.: Prentice Hall, 2003), 40–44.
12. Texas has a right-to-work law that was enacted in 1947 by the 50th Legislature.
13. See Jim Lewis, "Getting Around to a New Constitution," *County* (January/February 1999): 11–13. For a profile of Representative Rob Junell and his collaboration with Senator Bill Ratliff, see Janet Elliott, "Maverick in the Middle," *Texas Lawyer* (January 1999): 19–20.
14. For the text of the Ratliff-Junell draft constitution, refer to *Texas Legislature Online* at **www.capitol.state.tx.us** and search by bill number for the 76th Regular Session, HJR1 or SJR1.
15. For an analysis of amendments proposed between 1976 and 1989, see James G. Dickson, "Erratic Continuity: Some Patterns of Constitutional Change in Texas Since 1975," *Texas Journal of Political Studies* 14 (Fall–Winter 1991–1992): 41–56.
16. For the text of Junell's constitutional proposal, refer to *Texas Legislature Online* at **http://www.capitol.state.tx.us** and search by bill for the 77th Legislature, HJR 69.
17. For a more detailed analysis of the contents of the Texas Constitution, see Janice C. May, *The Texas State Constitution: A Reference Guide* (Westport, Conn.: Greenwood Press, 1996); and George D. Braden, *Citizen's Guide to the Texas Constitution* (Austin: Texas Advisory Commission on Intergovernmental Relations, 1972).

Selected Readings

2.1 Governor Had to Be Poll-Axed*

Kent Biffle

Kent Biffle contrasts the smooth transition from the governorship of George W. Bush to that of Rick Perry in December 2000 with the more embroiled transition from the governorship of Edmund J. Davis to that of Richard Coke in January 1874.

Texans were introduced to a really sore loser 126 years before the presidential long count in Florida [2000]. The sore loser was Texas Gov. Edmund Jackson Davis. Wouldn't you know, he was born in Florida. He became the most cordially hated governor in Texas history.

Professor Kenneth Hendrickson wrote in his 1995 book *The Chief Executives of Texas:* "There has been controversy over the real nature of the Davis regime, and only one thing about it is certain. Edmund J. Davis was the most unpopular governor the Lone Star State has ever had." He loved making a mess of things. And when he was defeated at the polls, he refused to leave office. His opponents had to use an ax to open his office door. Some folks support the popular vote. But E. J. Davis supported the unpopular vote.

In contrast to the Davis imbroglio, recall last week's smooth transition. For five hours, Texas had no governor. George W. Bush resigned as governor at 10 a.m. Thursday [December 24, 2000]. And about 3 p.m., Lt. Gov. Rick Perry got around to taking the oath as the new governor. President-elect Bush gathered up his cherished autographed baseballs and other stuff and happily departed. Gov. Perry entered and made himself at home.

That transition was just the opposite of what happened during the bitter four-day period in January 1874 when Texas had two governors. All this goes to prove that having no governor is better than having two. The two governors that long ago January split snow-blanketed Austin into armed camps.

Top-balloting Richard Coke was inaugurated on January 15, but voter-ousted Edmund J. Davis refused to give up the office. He caved at last on January 19. Governor Coke (1829–1897) was a Democrat, Gov. Davis (1827–1883) a Republican. (Footnote: Those old political affiliations are near meaningless today. That was then. This is now.) More to the political point, Coke had been a Confederate captain and Davis had been a Federal brigadier, who raised the only Yankee unit from Confederate Texas (the First Texas Cavalry).

Davis was gut-bent on clinging to his office despite the hammering he took in the December, 1873 election. Coke had beaten him 2 to 1—85,549 to 42,663. It was the first post-war gubernatorial ballot that even carried a Democrat's name. Texas Democrats had been disenfranchised as unrepentant Rebels. U.S. troops enforced the highhanded rule of Reconstructionists.

Accustomed to Unionist-rigged elections, sore-loser Davis protested that Texas' new election law was unconstitutional. He forgot, maybe, that he had personally approved the

*From the *Dallas Morning News,* 24 December 2000. Reprinted with permission of *The Dallas Morning News.* Kent Biffle is a regular contributor to Texas & Southwest. His e-mail address is kkbiffle@aol.com.

law when it was adopted in 1873. When his handpicked Supreme Court justices examined the law, they found—surprise, surprise—that it was terribly unconstitutional because of a questionable semicolon. If you promise not to leave, I'll explain: The Texas Constitution stated: "All elections for state, district and county offices shall be held at the county seats of the several counties, until otherwise provided by law; and the polls shall be opened four days, from 8 o'clock a.m. until 4 p.m. of each day." But then along came the new law, approved by Davis, that proclaimed that elections could be held in county precincts on a single day, from 8 a.m. to 6 p.m. Texas historian Ernest E. Wallace *(Texas in Turmoil)* elucidated: "The Supreme Court, all Davis appointees, based a unanimous decision on the punctuation.... The court ruled that the semicolon preceding the clause which required the polls to be open four days had the force of a period." In other words, the court ruled that the polls must be opened for four days.

Viewed this way, the constitution's timeframe for elections wasn't subject to legislative change. By its ruling, the court implied the election was void. That was good enough for Governor "Semicolon" Davis. He ringed the Capitol with armed guards and called for President U.S. Grant to rush federal troops to his rescue. But Grant wanted peace. He'd signed the bill that readmitted Texas into the Union on March 30, 1870. Besides, he hoped to expand his party, not further estrange voters.

War hero Grant refused to aid Davis, brigadier or not. Actually, Gen. Davis had participated in three failed Union attempts to invade Texas. In Grant's view, Davis, a political minus, was becoming a political pest. When Davis earlier proposed splitting Texas into two states, the president told him, "Judging by reports of lawlessness, one Texas is sufficient for the present."

Lawlessness was a big issue. Davis created a widely loathed state police force. Often as not his policemen were unlettered, newly freed slaves who could scarcely read the laws they were supposed to enforce. Adj. Gen. James Davidson, chief of the state police, fled to Belgium in 1872 after packing his carpetbags with more than $37,000 in state funds. And Gov. Davis' top cop never returned to Texas.

Meanwhile Davis was appointing more than 8,000 party pets to jobs ranging from city alderman to the aforesaid high court justices. He even tried to deprive Texans of their guns at a time when one could lose his scalp in the Hill Country just beyond Austin.

One feature of our most unpopular guy should be pointed out. Oddly, his detractors never attacked his personal integrity. If his administration was crooked, he was personally straight as a string. Besides, his administration was possibly no more corrupt than that of U.S. Grant. Even Gov. Coke recalled, "Although he had thieves and murderers in his administration, Gov. Davis never diverted one cent of public funds for his own use." Moreover, Davis tried to champion the cause of the freed slaves. He campaigned to provide state land for homesteaders. And he advanced education.

But we must return to his memorable standoff in the Capitol on winter-blasted Jan. 15, 1874. Under the cover of darkness, when the Davis guards were asleep or nodding, Democratic lawmakers and the governor-elect climbed ladders to the Capitol's second-story windows. Coke there convened the 14th Legislature while the ex-governor sulked in his office on the first floor. Davis called out a local militia, the Travis Rifles, to beef up the ranks of his bodyguards. But the Rifles promptly defected to Coke.

Refusing to send troops to protect Davis from Texans, Grant messaged him: "Would it not be more prudent, and is it not right that you should yield to the will of the people as expressed by their ballots?" Travis County Sheriff George B. Zimpleman was less diplomatic. He told Davis: "Vamoose, you S.O.B." Democrats desperately tried to avoid violence. Coke supporters knew that any fighting could trigger a reaction by U.S. troops and worse, bring on another round of federally enforced Reconstruction in Texas.

Exhausted, a beaten Davis at last left the Capitol under protest on Jan. 19, 1874. Departing, he locked the office and pocketed the key. Coke's men cheerfully busted down the door. Goodbye, Reconstruction. At the Governor's Mansion, first lady Anne Britton Davis reportedly yanked Grant's picture from the wall, smashed it on the floor and dug the heel of her French slipper into the Yankee hero's likeness.

Nowadays her husband fares better with historians than he once did. Professor Carl Moneyhon of the University of Arkansas "*Republicanism in Texas*" suggests, "Davis perhaps should be added to the list of heroes in a state that places so much store in the character of its individual citizens." And he wasn't the first to feel that way. Davis' monument in the State Cemetery in Austin is the tallest in that necropolis of Texas heroes. Maybe it's a sore loser's way of saying, "In your face."

2.2 Of Rutabagas and Redeemers: Rethinking the Texas Constitution of 1876*

Patrick G. Williams

Like other southern states, Texas produced a constitution in the wake of Reconstruction. Many of these convention delegates, some of whom were members of the Grange, sought to redeem the states of the Confederacy from Republican domination accompanied by hard times for farmers. This reading throws new light on the politics of delegates who drafted Texas's current state constitution.

Rutabaga Johnson and the Grange

By November 24, 1875, the final day of a convention during which Redeemer Democrats scrapped Texas's Reconstruction-era constitution and remade the state's organic law, delegate John Johnson was ready to strut a bit. According to newspaper reports, the Collin County farmer, nicknamed "Rutabaga" by citified journalists, crowed to the convention that "he had carried every point he had started out with when he left his county. They had 'fit' the opposition carefully and beaten them. There were thirty-six lawyers in that body, but they had been superior to them. They had beaten the talent of the Convention all along the line." Rather than simply mimicking England's reigning monarch in referring to

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himself with plural pronouns, Johnson appeared to be speaking for a faction—a faction that many of his contemporaries associated with the Texas Patrons of Husbandry, or Grange. It was widely believed that delegates identified with the order, whom the same citified journalists accordingly dubbed "Rutabagas," had dominated the proceedings.[1]

From that day to this, scholars have tended to accept such estimates of the convention at face value, perpetuating the whole or in part a "Rutabaga" Johnson's understanding of events. The Texas constitution written in 1875 and ratified in 1876 has been taken to represent the triumph of an agrarian bloc within the convention and within the Democratic Party over a more developmentally oriented and cosmopolitan wing. It has been described as a "Granger product" and even the "master work" of the Texas Grange, and the convention is understood to mark the victory of an agrarian-dominated (even "protopopulist") rank and file dedicated to reining in government. Even accounts that shy away from such broad-brush characterizations have stressed the influence of Grangers on delegates otherwise representing the interest of farmers, on essential components of the constitution. Like-minded agrarians voting as a bloc have been seen as chiefly responsible for the constitution's explicit, and grudging, limits on tax rates, official salaries, and the state debt. They reduced governor's terms to two years and made legislative sessions biennial, forbade expenditure of public money to promote railroad construction and immigration, provided for state regulation of corporations, and refused to abridge universal manhood suffrage. It has at least been implied that in defining the state's power to cultivate economic development and provide for the well-being of its citizenry, these agrarians thereby steered the convention toward the more tight-fisted and less energetic of the alternatives before it.[2]

An Agrarian Myth?

Yet a close examination of the convention proceedings and the post-Reconstruction context in which constitution-making took place simply does not bear out the reigning characterizations of a remorselessly minimalistic constitution made by a farm bloc. To filch a phrase from Richard Hofstadter, this image of the delegates and their work turns out to be something of an agrarian myth, and it is a myth that has proved as persistent, though surely not as noxious, an element of our understanding of Texas's history as the "carpet-bagger myth" that Randolph Campbell has done such good work in destroying. Were the analytical shortcomings bound up in this agrarian myth merely a localized infection of the scholarly literature on the Texas constitution, they would still be of some consequence. Though written in the immediate aftermath of Reconstruction, the Constitution of 1876 (while much amended) remained the law of the land in Texas even 125 years later, and mistaken notions about how it was made cannot but hinder proper understanding of how the state has been governed. Yet the myth and the misunderstandings it embraces have not been confined to the specialized literature but have reached into works of far broader ken. It has found its way into textbooks and the foremost reference sources for Texas history and government. Elements of the myth can be detected in important studies of the post-bellum era carried out by some of the most talented students of Texas history, demonstrating the dangers that even the best scholars face in having to rely on a flawed monographic literature when it comes to matters that are not the primary subject of their research.[3]

The agrarian myth has also insinuated itself into some of the broader accounts of postbellum *southern* politics that communicate the experience of the state to many non-Texans and nonspecialists in Texas history. These include such landmark studies as Michael Perman's *The Road to Redemption: Southern Politics, 1869–1879*, which sees in the 1875 convention the "rout" of business-minded "New South" Texans by agrarian Democrats, and J. Morgan Kousser's very influential *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880–1910*, which assigns to Grangers the credit (at least among Democrats) for defeating a poll tax limitation on the franchise in Texas. If the received wisdom as to the Constitution of 1876 has infected a broader regional scholarship, challenging the agrarian myth might, by the same measure, not only help clarify certain important episodes and developments in Texas history but also help sharpen the political taxonomy of the postbellum South. The example of Texas's Redeemer convention should caution historians against assigning a single label, such as "agrarian," to diverging, even conflicting, tendencies and warn them away from reducing the struggles among Democrats to simple factionalism between a handful of cohesive interest groups when something more complex was almost certainly taking place.[4]

Like many myths, the myth of an agrarian constitution was not fashioned from whole cloth. It was a well-publicized fact that fully half the members of the Democratic delegation to the constitutional convention—in other words, well over 40 percent of that overwhelmingly Democratic body—belonged to the Patrons of Husbandry, the national farm organization that had established itself in Texas in 1873. And a meaningful portion of these Grange delegates did, indeed, prove more likely than Democrats unaffiliated with the order to vote for greater restrictions on public spending and stricter limitations on government powers and against a poll tax aimed at disfranchising certain voters. This doubtlessly accounts for the perception among many contemporary observers that a "Rutabaga" Granger bloc had manhandled the constitution-making process. Yet the like-mindedness of some among the Grange delegates is a point that the sometimes hysterical reporting of Texas newspapers (most particularly the *Austin Daily Democratic Statesman)* and the generations of scholars that relied on such reportage clearly made entirely too much of. For, upon closer inspection, the portrait of a bloc voting among Grangers that allowed farm representatives to be prime movers in the passage of the constitution's most essential features requires so much qualification as to render the document's status as a specifically agrarian artifact dubious indeed.[5]

Defeat of a Poll Tax Requirement

Perhaps the most commonly told tale about the 1875 proceedings identifies Grangers as the Democrats responsible for the defeat of a requirement that citizens pay a poll tax as a prerequisite for voting. J. Morgan Kousser's is only the most prominent of a number of accounts that contend, in Kousser's words, that "almost every Democrat who joined the fourteen Republicans in opposition to the tax was a member of the Grange." In offering the argument, Kousser cites Seth S. McKay's *Making the Texas Constitution of 1876.* Alwyn Barr does as well, in making the same claim in *Reconstruction to Reform: Texas Politics, 1876–1906.* Nothing better illustrates how an old, weak link in the historiographical chain

can confound the best efforts of fine scholars. For to support what would become an influential argument McKay, in turn, cited nothing more than the October 8, 1875 edition of the *Austin Daily Democratic Statesman*, a paper that gave every evidence of being decidedly overwrought on the subject of Grange influence over the convention.[6]

What sealed the fate of efforts at the convention to restrict the right to vote were the concerns of delegates from securely Democratic counties that a poll tax would unduly burden their own overwhelmingly white, rural constituents. In the end, these concerns outweighed any impulse they might have felt to contain the power of African American voters in the state's relative handful of black-minority counties. But to identify the concern to preserve the franchise of the hardscrabble yeomanry with Grange delegates exclusively, or even primarily, is problematic in the extreme. A number of Democratic delegates central to the scuttling of a poll tax restriction on the franchise—including the man who introduced the substitute striking the tax from the suffrage article, and others who argued passionately against disfranchisement—were not Patrons. In fact, fourteen non-Granger Democrats opposed the poll tax on the most definitive vote—as many as supported it. At the same time, while a significant majority of the Democrats identified as Grangers did indeed vote against the poll tax, Grangers also made up nearly half (thirteen of twenty-eight) of the delegates supporting disfranchisement, including two of the men most active in the cause of suffrage restriction, John Reagan and John Whitfield. The key to voting on this issue seems not to have been Grange (or any other economic interest group) affiliation, but instead the size of the non-Democratic vote in delegates' home districts. The greater tendency of Grange delegates to vote against suffrage restriction is most likely to be attributed to the greater tendency of Grangers to come from securely Democratic, white-majority counties.[7]

The Texas constitution's affirmation of the state's right to regulate railroads, as well as the regulatory provisions actually written into the document, have also often been attributed to the Grangers. However, the railroad measures were not introduced by a Granger, the committee majority that reported them was evenly divided between Patrons and non-Patrons, and a substantial majority of non-Grange Democrats joined Grangers in supporting the railroad article.[8] ...

A Complicated Compromise

To say the Texas constitution was not an agrarian document, either in being framed by a farm bloc or in representing the most restrictive of politically possible outcomes, hardly tells us enough about what it *was*. Nor does the simple assertion that the constitution was a complicated compromise born of complicated proceedings. It will continue to be the task of historians to seek out economic, social, and cultural bases for the political divisions in postbellum Texas. But if they should not be satisfied with simply throwing up their hands and surrendering themselves to the inscrutability of the past, neither should they accept conceptualizations that betray the complexity of events, that make a straightforward clash of two antagonists out of what was, in fact, a protracted free for all, a battle royal in which the combatants made friends and enemies with serial abandon. We most likely err if we expect greater orderliness in past politics than we find in the middle of our own day.

Notes

1. Seth S. McKay (ed.), *Debates in the Texas Constitutional Convention of 1875* (Austin: University of Texas, 1930), 459 (quotation); Seth S. McKay, *Making the Texas Constitution of 1876* (Philadelphia: n.p., 1924), 178. The *Austin Daily Democratic Statesman* appears to have coined this "rutabaga" appellation, which, by comparing farm delegates to a variety of turnips, seems intended to suggest that they were unappetizing products of the soil.
2. McKay, *Making the Texas Constitution of 1876*, 185 (1st quotation); Ralph Smith, "The Grange Movement in Texas, 1873–1900," *Southwestern Historical Quarterly* (cited hereafter as SHQ), 42 (Apr., 1939), 310 (2nd quotation); John S. Spratt, *The Road to Spindletop: Economic Change in Texas,* 1875–1901 (Dallas: Southern Methodist University Press, 1955), 12–13; John Mauer, "State Constitutions in a Time of Crisis: The Case of the Texas Constitution of 1876," *Texas Law Review*, 68 (June 1990), 1623 (3rd quotation), 1640; Ben Procter, *Not Without Honor: The Life of John H. Reagan* (Austin: University of Texas Press, 1962), 210; David McComb, *Texas: A Modern History* (Austin: University of Texas Press, 1989), 98; John Anthony Moretta, *William Pitt Ballinger: Texas Lawyer, Southern Statesman, 1825–1888* (Austin: Texas State Historical Association, 2000), 215–217; Dale Baum and Robert A. Calvert, "Texas Patrons of Husbandry: Geography, Social Contexts, and Voting Behavior," *Agricultural History,* 63 (Fall, 1989), 49, 51.
3. Richard Hofstadter, *The Age of Reform: From Bryan to FDR* (New York: Knopf, 1955), 23–59; Randolph Campbell, "Carpetbagger Rule in Reconstruction Texas: An Enduring Myth," SHQ 97 (Apr., 1994), 587–596; Robert Calvert and Arnoldo De Leon, *The History of Texas* (2nd ed.; Wheeling, Ill: Harlan Davidson, 1996), 163–164; Rupert Richardson, *Texas: The Lone Star State* (2nd ed; Englewood Cliffs, NJ: Prentice Hall, 1958), 221, 223; Wilbourn E. Benton, *Texas: Its Government and Politics* (2nd ed.; Englewood Cliffs, NJ; Prentice-Hall, 1966), 39–44; Kenneth R. Mladenka and Kim Quaile Hill, *Texas Government: Politics and Economics* (Monterey, Calif.: Brooks/Cole Publishing Co., 1986), 92–93; Alwyn Barr, *Reconstruction to Reform: Texas Politics, 1876–1906* (Austin: University of Texas Press, 1971), 25, 113, 204. The article on the Constitution of 1876 in *The New Handbook of Texas* states that, "In the convention the Grange members acted as a bloc in support of conservative constitutional measures." Joe E. Ericson and Earnest Wallace, "Constitution of Association, 1876," in Ron Tyler, et al. (eds.), *The New Handbook of Texas* (6 vols.; Austin: Texas State Historical Association, 1996), II, 289. See also John W. Mauer, "Constitution Proposed in 1874," ibid., III, 279.
4. Michael Perman, *The Road to Redemption: Southern Politics, 1869–1879* (Chapel Hill: University of North Carolina Press, 1984), 191, 203–204, 205 (quotations); J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880–1910* (New Haven: Yale University Press, 1974), 200.
5. A contemporary document, *Walsh & Pilgrim's Directory of the Officers and Members of the Constitutional Convention of the State of Texas, A.D. 1875* (Austin: Democratic Statesman Office, 1875), identified thirty-seven of the seventy-six Democratic delegates as Grangers. Two Democrats not listed as Patrons in that source—F.J. Lynch and W.D.S. Cook—identified themselves as members of the order on the floor of the convention. McKay (ed.), *Debates,* 190, 207. J.E. Ericson, "The Delegates to the Convention of 1875: A Reappraisal," *SHQ* 67 (July 1963), 22–27, gives a figure of thirty-eight Grangers without identifying them or assessing their influence on the convention.
6. Kousser, *Shaping of Southern Politics,* 200 (quotation): Barr, *Reconstruction to Reform,* 204. McKay's original statement was, "The Democratic opponents to the majority report making a poll tax qualification for suffrage came almost entirely from the Grangers." *Making*

the Texas Constitution of 1876, 97–98. Similar claims as to the Grange role in defeating the poll tax can be found in Baum and Calvert, "Texas Patrons of Husbandry," 49; Calvert and De Leon, *History of Texas,* 148–149; Mauer, "State Constitution in a Time of Crisis," 1644; Lawrence D. Rice, *The Negro in Texas 1874–1900* (Baton Rouge: Louisiana State University Press, 1971), 22–23. McKay's statement and the credence it has been given is all the more curious considering that elsewhere in the book he cites a fairly convincing contemporary argument against Grange responsibility for the defeat of the poll tax. McKay, *Making the Texas Constitution of 1876,* 135.

7. The median Republican percentage of the 1873 gubernatorial vote had been 40 percent in the home counties of Democrats voting for the poll tax but only 21 percent in the home counties of Democratic delegates opposing it. The Republican median in Grange-represented counties was about 22 percent, but it was approximately 33 percent in counties represented by non-Grange Democrats. For convention action on the poll tax, see *Journal of the Constitutional Convention of the State of Texas Begun and Held at he City of Austin, September 6, 1875* (Galveston: "News" Office, 1875), 29, 60, 142, 238, 304–310, 328–330, 405–406, 697–698, 785; McKay (ed.), *Debates,* 167–190. For the 1873 gubernatorial vote by county, see Mike Kingston, Sam Attlesey, and Mary Crawford, *The Texas Almanac's Political History of Texas* (Austin: Eakin Press, 1992), 58–61.
8. *Journal of the Constitutional Convention,* 89–90, 376–378, 605, 716, 796–797. On the final passage of the proposed railroad article, thirty-three Grangers voted for it and only one against, while eighteen non-Grange Democrats supported it and eight opposed.

2.3 Hermine Tobolowsky: Mother of Texas's Equal Legal Rights Amendment*

Tai Kreidler

Tai Kreidler examines the instrumental role that Hermine Dalkowitz Tobolowsky played in the passage of the Texas Equal Legal Rights Amendment. Her struggle began in the 1940s, and did not end until 1972. In that year, Texas voters approved the constitutional amendment that had been proposed by the legislature in 1971.

In July 1995, Hermine Tobolowsky, mother of the Texas Equal Legal Rights Amendment and one of the major supporters of the national movement, died quietly. Her death ended a fifty-two-year legal career and a very public life that brought her to the forefront of the equal rights crusade for women.

An Unrelenting Supporter

In 1951, Hermine met and married Hyman Tobolowsky of Dallas, who worked for E.M. Kahn and the Company Department Store. Introduced by her family, Hermine and Hyman found in each other a common interest in the world of ideas and intellectual discussion. Soon af-

*From *The Human Tradition in Texas,* edited by Ty Cashion and Jesús F. de la Teja (Delaware: SR Books, 2001), 209–220. Copyright © 2001 by Scholarly Resources. Reprinted with permission of Scholarly Resources.

ter the wedding she left San Antonio and opened a law practice at her new home in Dallas. As she herself recounted, this was one of the turning points in her life. Not only did she change jobs and move to another city, but the former Miss Dalkowitz also found in her new husband an unrelenting supporter, friend, and advisor who would help her in the biggest challenge of her life—the passage of the Texas Equal Legal Rights Amendment.

The BPW, a Lobby Group

The Texas Federation of Business and Professional Women's Club (BPW) was indispensable in Tobolowsky's fight for legal change. Though not a woman who usually joined clubs, Tobolowsky became interested in the BPW because of its program to eliminate sex discrimination. Already promoting the interests of business and professional women on the job, the BPW had started a campaign in the 1940's to pass legislation permitting women to serve on juries. In the 1950's it took an interest in supporting the national Equal Rights Amendment that had been initially proposed in 1922. And, in 1957, the BPW considered formulating a state amendment and a slate of bills that would change the discriminatory legal climate. With 8,400 members and 185 clubs statewide, the Texas Federation had the potential for being a powerful legislative lobbying group and could be used to educate voters and legislators about pending bills.

Early Efforts to Pass the ELR

By 1958, the BPW argued for the passage of an Equal Legal Rights Amendment (ELR) to the Texas Constitution. The measure simply stated that "Equality Under the Law Shall Not be Denied or Abridged Because of Sex." Working with sympathetic legislators, Tobolowsky and the BPW introduced proposed amendments in both the House and Senate. Having stumped the state in speaking engagements and having distributed thousands of brochures and pamphlets, Tobolowsky and the BPW felt confident about their chances for success. During the 1959 legislative session, the bill was assigned to the Senate Constitutional Amendments Committee. Even after a successful public hearing and a review by the State Attorney General, the amendment died in committee. Meanwhile, the measure did not fare much better in the House. Representatives failed to vote on the measure before the end of the session.

Tobolowsky and the BPW became familiar with the stalling tactics used by their opponents in the Texas legislature. In sessions from 1957 to 1969, ELR opponents buried the bill in committee and subcommittee numerous times, referred the measure to the Attorney General for an opinion, changed the amendment's original intent, and sponsored concurrent discriminatory bills. Even "friendly" legislators often failed to live up to their promises. Pressured by colleagues or motivated by other factors, many lawmakers paid lip service to Tobolowsky and the BPW but were absent during important votes. Some used the well-known "restroom" excuse that would have amused Tobolowsky if it had not had such a deadly effect upon the BPW legislative program. Other men strayed openly, promising support but not delivering. As a result, Tobolowsky and the BPW spent a lot of time in Austin attending sessions, visiting with the wavering lawmakers, and convincing less sym-

pathetic ones to support the ELR. Frequently, legislators with more nerve than common sense did not show up for appointments with her. In typical Tobolowsky style, she would simply say, "I sure wish you would have seen me today because next year you won't be here."

In 1961 delay tactics once again blocked votes on the ELR in both the House and the Senate. In spite of the setback, Tobolowsky and the BPW sensed increasing public awareness and empathy for equal rights. As a result, lawmakers began to sponsor bills that either changed or eliminated specific discriminatory statutes. In addition, legislative opponents were increasing their personal attacks against her. Such meanspiritedness only convinced Tobolowsky that the ELP campaign was gaining ground.

As her cause gained momentum, Tobolowsky developed a powerful network of supporters as well as sources of information. Using the long reach of the BPW, her husband's connections in the Retail Merchants Association, her core of legislative supporters in both the House and Senate, and lobbyist friends, she was privy to back-room deals, political maneuverings, and vacillating lawmakers who had pledged to support her bills. Through it all she followed a simple rule: "To always do what you say you'll do so people can depend upon your word." ...

Tobolowsky and the BPW hoped to make the 1963 session the watershed year for the passage of the amendment. Much of their high expectations were based upon success at the 1962 polls. With women's groups such as the Women's Rights Society effectively mobilized, opposition legislators had been fighting for reelection. Senator Lane, who had made his biting reference about the "stupid little women," was defeated in his bid for another term. Meanwhile, others scrambled for reelection against a surprisingly effective statewide campaign orchestrated by the Dallas BPW.

As a result, the senate in 1963 made short work of the bill, and on March 5 voted 26 to 5 to approve the ELR. Meanwhile, the House bill died. Representative Bill Heatly from Paducah sponsored the amendment. As chairman of the House Appropriations Committee he had the clout to successfully steer it through the House. Instead, it ran into substantial opposition. First, the amendment was not introduced immediately; then, the measure was buried in the Constitutional Amendment Committee. Heatly did nothing to compel committee action, and neither did committee chairman James Cotton, a well-known opponent of the ELR. Tobolowsky took responsibility for fatally assigning the sponsorship to Heatly, but she blamed him for killing the amendment. She had trusted the proverbial fox to guard the henhouse and confessed later that she did not know much about him.

In addition to Heatly, the BPW blamed House Speaker Byron Tunnell for his failure in getting the bill out of committee in time. Although Tunnell eventually forced Cotton to hold committee meetings, it was too late. As a result, the BPW targeted Tunnell for defeat at the next election. In addition, the BPW redoubled its efforts to garner unwavering legislative support for the ELR. Having learned a bitter lesson with Tunnell and Heatly, the BPW asked for written pledges from its legislative supporters, thus giving a reliable indication of its House and Senate strength. More important, the written pledges then could be used against lawmakers who failed to honor their commitments. The pledges would document any breach of good faith.

Despite their determined course of action, Tobolowsky and the BPW saw opponents use a variety of methods to block passage of the ELR Amendment. In 1965, Senator Dorsey Hardeman (San Angelo) effectively dry-docked the ELR Amendment by adding a provision "for the protection of women" that actually undermined the equal rights intent of the bill. Supporters of the ELR tried unsuccessfully to table the "Hardeman changes," but a close Senate vote approved them. Supporters of the amendment were then faced with a number of unsavory options: either they could remove the changes that required a two-thirds Senate vote, or they could simply let the amendment die. The bill was eventually tabled. Meanwhile, in the House the BPW came tantalizingly close to passing the amendment, but it eventually failed by one vote. Throughout the long struggle, Tobolowsky and the BPW operated without the open support from organizations that many thought should be receptive to the passage of the ELR Amendment. The Texas Bar Association declined to back it; early in the 1965 session it had voiced reservations about passing such a measure. Joyce Cox of Houston, president of the association, and Joe McKnight, a member of the bar and a Southern Methodist University law professor, said that the amendment would cause confusion and destroy the community property system in Texas. They were certain that if the amendment passed, the state would be victimized by years of litigation and court action. Rather than advance the cause of equal rights, they feared that the amendment would delay it. The refusal of the Bar Association to support the ELR Amendment worked to undermine public credibility of Tobolowsky and the BPW as well as their assertion that women were indeed suffering under the Texas legal system.

New Laws Protecting Equal Rights

During the 1965 legislative session, Tobolowsky and the BPW decided to support individual bills that would change the legal situation. Although they were unsuccessful in passing the ELR, she and the BPW secured the legislative approval of a number of new laws protecting women's rights. These bills provided for changes in Texas statutes such as: 1) both parents serve as guardians of a child's estate; 2) married women could sign bail bonds; 3) either spouse could claim jury service exemption when both were called to serve on the same panel; 4) a wife could render her own separate property for tax purposes; 5) either spouse could secure a divorce on the basis of adultery; 6) married women could make partnership contracts; and 7) marriage could not dissolve a pre-existing partnership agreement. Although these proposals did not equate to the comprehensive change provided for in the proposed ELR Amendment, the new laws finally symbolized an important step toward correcting the awkward and crippling legal situation for women. In addition, in April 1965 the Bar Association and the BPW joined forces in "Studying, drafting, and sponsoring" specific legislation that would "eliminate or correct" discriminatory laws. The Bar Association and the BPW ran out of time in 1965 but renewed their efforts during the 1967 session through the "Bar Bill" that continued to address community property inequities. Meanwhile, in 1967 and 1969, legislative opponents continued to fight a rear-guard action and effectively blocked another attempt to pass the ELR Amendment. Similar to previous scenarios, the Senate reported favorably on the bill, but House opponents obstructed its

passage. Tobolowsky argued that the legislators' fear of women prompted them to oppose the ELR. They were afraid to give women property control. Others, she assumed, perhaps thought that women were inferior and were not capable of handing property responsibilities. The belief that Texas women needed the protection of men was pervasive among the opposition and underscored arguments against the ELR Amendment. As a student of human nature, Tobolowsky also understood that opposition stemmed from the irrational fear of the unknown. Anxiety over change manifested itself in ludicrous arguments against the amendment. Claims circulated that the ELR would sanction same-sex marriages and encourage the proliferation of unisex restrooms. Critics tried to smear the ELR campaign with the "liberal Communist conspiracy" label.

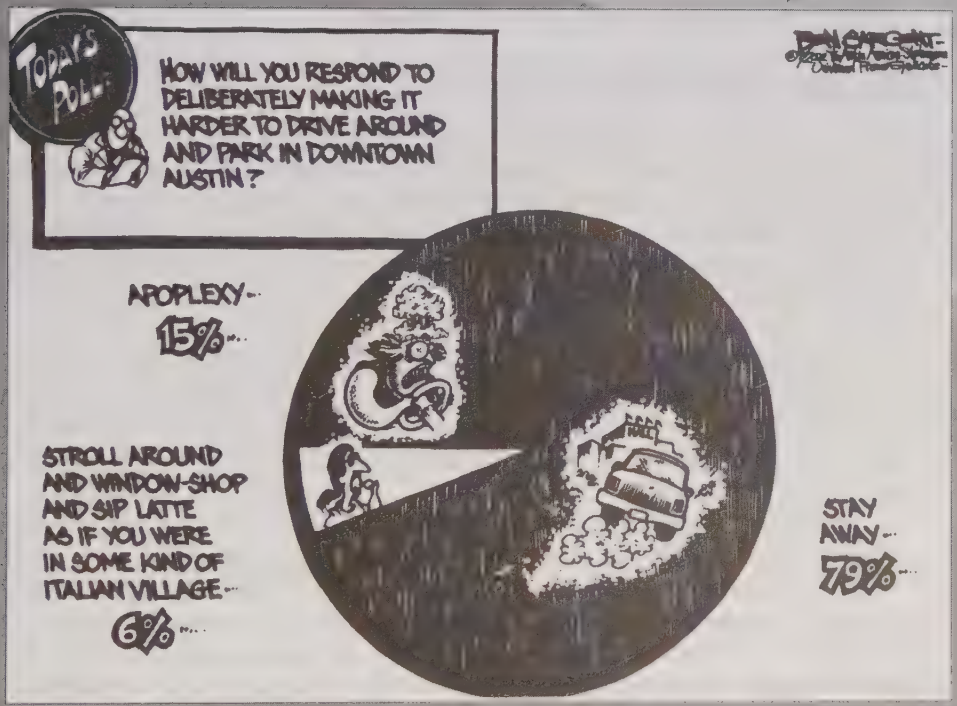
Equal Legal Rights: Passed and Approved

On April 27, 1971, the Texas governor at last signed into law the Equal Legal Rights Amendment. The Senate passed the amendment without much delay. The House, which had been derailing the measure during the last new sessions, finally organized sufficient support to pass it. Quite simply, opposition lawmakers had tired of the struggle. Their ranks having been thinned by the BPW's election campaigning, they finally passed the amendment rather than subject themselves to further electoral abuse. Besides, they believed that the Texas electorate would defeat the bill when it was set before the people.

Tobolowsky and the BPW had finally brought the amendment to a popular vote. They could not claim victory, however, until the last hurdle was cleared. Seizing every opportunity, they traveled throughout the state and spoke to every club, association, and organization that would listen. They printed pamphlets and placed advertisements in newspapers and on radio and television at a cost to the organization of roughly $100,000. Because they did not have enough money, Tobolowsky personally guaranteed fee payment for the television spots and paid for her own travel expenses. She also organized every county, regardless of whether or not it had a BPW club, and funneled news releases, fact sheets, and pamphlets to outlying areas. She advised supporters to emphasize the universality of the ELR irrespective of "race, creed, religion, and national origin"; it was "a matter of simple justice." She even wrote canned speeches that were distributed by way of a speaker's bureau, each one tailored to a specific audience. Tobolowsky poured herself into the ratification campaign to the point that she nearly gave up her law practice. She was on the road constantly; and even when she was in Dallas, everything she did supported the fight for passage. Then, on November 7, 1972, the citizens of Texas overwhelmingly approved Proposition Seven with a vote of 2,156,536 to 548,422. It was a victory margin of nearly 4 to 1, one of the largest in the state's constitutional history. As a consequence the ELR became part of the Texas Constitution and, in a watershed event, eliminated most of the discriminatory aspects of Texas law and assured all its citizens legal equality.

Chapter 3

Local Governments



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Life for most urban Texans is linked to daily hassles that include motor vehicle traffic on increasingly congested roads, streets, and freeways. (See the cartoon that begins this chapter.) Whether home is a rural community, a suburb, or a big city like Austin, Houston, San Antonio, Dallas, or El Paso, most Texans demand transportation facilities and other governmental services delivered in a timely and effective manner. How individuals influence local government in constructive ways so as to receive these services requires an understanding of both governmental structures and political processes.

Cities (municipalities), counties, and special districts are separate, legal entities that are identified as grassroots governments. With over 1,200 cities and 254 counties, Texas leads bordering U.S. and Mexican states, and it competes with the most populous U.S. states in number of incorporated cities and counties. Whether paving streets, conducting elections, combating crime, or providing mass transit systems, these governments and their policymakers directly affect people and the quality of life in communities.

Overview of Grassroots Problems

Who are the policymakers for grassroots governments, and what differences do their decisions make in our daily lives? Answering these fundamental questions first requires an understanding of American federalism, discussed in the chapter "Federalism and the Texas Constitution." Texas local governments, like those of other states, are at the bottom rung of the governmental ladder. Cities, counties, and special-district governments are creatures of the state of Texas.

Since more than 80 percent of all Texans reside in cities, the fast-paced metropolitan scene is the center of attention. These heavily populated urban and suburban areas have immediate concerns, including high crime rates, decaying infrastructures (streets, roads, and bridges), ineffective public schools, and, since September 11, 2001, the threat of terrorism.

Texas cities such as Houston, Dallas, San Antonio, El Paso, and Corpus Christi are also becoming increasingly diverse. Many African Americans and Latinos are seeking to obtain adequate public services and gain access to local power structures long dominated by Anglos. "Suburban sprawl," "inner-city decay," and "white flight" are not mere jargon in social science literature. Determining how Texas's local governments should deal with these problems so that all communities receive equal access and services is a challenge that drives most policy debates at the grassroots level.

Opportunities for individuals to participate in local politics begin with registering and voting. (See the chapter "The Politics of Elections and Parties"

How Do We Compare . . . in Number of Cities and Counties?

Comparing Number of Cities and Counties, 2002

Most Populous U.S. States	Number of Cities	Number of Counties	U.S. States Bordering Texas	Number of Cities	Number of Counties	Mexican States Bordering Texas	Cities	Counties (Municipios)
California	477	38	Arkansas	496	75	Chihuahua	220	67
Florida	406	67	Louisiana	303	64[a]	Coahuila	165	38
New York	477	58	New Mexico	102	33	Nuevo León	127	51
Texas	**1,202**	**254**	Oklahoma	596	77	Tamaulipas	193	43

Source: U.S. Department of Commerce. See Instituto Nacional de Estadistica, Geografía e Informática de Mexico (www.inegi.gob.mx), "Numero de Localidades y Población por Tamaño de Localidad, 2000" (municipalities with 500 or more inhabitants); see www.INEGI.gob.mx for the Mexican Census for 2000.

[a]Louisiana is divided into parishes rather than counties.

for voter qualifications and registration requirements under Texas law.) Some citizens may even seek election to a city council, county commissioners court, school board, or other policymaking body. Short of winning public office, however, an individual may become politically active through homeowners' associations, neighborhood associations, other community or issue-oriented organizations, voter registration drives, and election campaigns of others seeking local offices. Unfortunately, despite the numerous ways to get involved in local politics, it is not uncommon to find fewer than 10 percent of a community's qualified voters participating in a local election. Voter apathy begins to dissipate when people understand that grassroots problems in Texas can be solved only through political participation. By gaining influence in city halls, county courthouses, and special-district offices, individuals and groups may address grassroots problems through the democratic process.

Municipal Governments

Perhaps no level of government influences the daily lives of citizens more than **municipal** (city) **government**. Whether taxing residents, arresting criminals, collecting garbage, providing public libraries, or repairing streets, municipalities determine how millions of Texans live in over 1,200 incorporated communities established by law. Knowing how and why public policies are made at city hall requires an understanding of the organizational and legal framework within which municipalities function.

Legal Status of Municipalities

Powers of city governments are outlined and restricted by municipal charters, state and national constitutions, and statutes. There are two legal classifications of cities in Texas: **general-law cities** and **home-rule cities**. An area with a population of 201 or more may become a general-law city through a charter prescribed by a general law enacted by the Texas Legislature.[1] But a city of more than 5,000 people may be incorporated as a home-rule city, with a locally drafted charter that is adopted, amended, or repealed by majority vote in a citywide election. Once chartered, a general-law city does not automatically become a home-rule city just because its population rises above 5,000, nor does home-rule status change when a population declines to 5,000 or less. Local voters must decide the legal designation of their city, but the Texas Legislature reserves the right to change a home-rule city's government.

At the start of 2003, there were more than 350 home-rule cities and close to 900 general-law cities in Texas. The principal advantage of home-rule cities is greater flexibility in determining their structures and forms of municipal government. Citizens draft and adopt city charters that establish powers of municipal officers, spell out procedures for passing **ordinances** (city laws), and set salaries and terms of offices for council members and mayors. City councils pass, repeal, or amend ordinances. Some cities, such as Austin, provide a process for removing elected officials through a popular vote. This process is referred to as recall. Along with initiative and referendum, recall is restricted to home-rule cities in Texas government. An initiative is a citizen-drafted measure proposed by a certain number or percentage of qualified voters. If approved by popular vote in a referendum election, it repeals an ordinance (city law) without city council approval. Ballot referenda and initiatives require voter approval and, depending on city charter provisions, may be binding or nonbinding on municipal governments. Contentious issues sometimes arise, such as in 1999, when Houston voters defeated by 54 percent to 46 percent an initiative that would have repealed the city's special rules for hiring women and minorities and for awarding city contracts to them, or in 2000, when San Antonio voters passed an initiative allowing fluoridation of their drinking water.

Forms of Municipal Government

Four principal forms of municipal government, with many variations, operate in the United States and Texas: strong mayor-council, weak mayor-council, commission, and council-manager. The council-manager form prevails in more than 80 percent of Texas's home-rule cities, and some variation of the mayor-council system operates in many general-law cities.

A typical question from citizens is, "How do you explain the structure of municipal government in my town? None of the four models accurately de-

picts our government." The answer lies in home-rule flexibility. For instance, Brownsville and Harlingen in the Rio Grande Valley have a mayor and city commission structure. Various combinations of the forms discussed in the following sections are permissible under a home-rule charter, depending on voter preference, provided they do not conflict with state law.

Strong Mayor-Council Among larger American cities, the **strong mayor-council form** continues as the predominant governmental structure. Of the nation's 10 largest cities, only Dallas and San Antonio operate with a structure (council-manager) other than some variation of the strong mayor-council system. In New York, Chicago, Philadelphia, Detroit, Boston, and St. Louis, the mayor is the administrative as well as the political head of the city. Houston and El Paso also have the strong mayor-council form of government, but the balance of Texas's larger home-rule cities have chosen other forms of government. Perhaps this is due to a dislike for so-called machine or ward-heeling politics, a style that once characterized the strong mayor-council form in some northern cities and frequently resulted in corrupt municipal administrations. In Texas, cities operating with the strong mayor-council form have the following characteristics:

- A council composed of members elected from single-member districts
- A mayor elected at large, with power to appoint and remove department heads
- Budgetary power (for example, preparation and execution of a plan for raising and spending city money) given to the mayor, subject to council approval before the budget may be implemented
- Veto power over council actions given to the mayor

Houston has a variation of the strong mayor-council form that features a powerful mayor aided by a citizens assistance office and an elected controller who is responsible for the budget. (See Figure 3.1.) Such an arrangement allows the mayor to delegate much administrative work to the chief of staff, whom the mayor appoints and may remove. Duties of the chief of staff include coordinating the activities of city departments, the mayor's office, and council members' offices.

Weak Mayor-Council As the term **weak mayor-council form** implies, this model of local government gives limited administrative powers to the mayor, who is popularly elected along with members of the city council, some department heads, and other municipal officials. A city council has power to override the mayor's veto. The mayor's position is weak because the office shares appointive and removal powers over municipal government personnel with the city council. (See Figure 3.2 for a chart of the government of Conroe, a city with a population of about 37,000 in Montgomery County, north of Houston.)

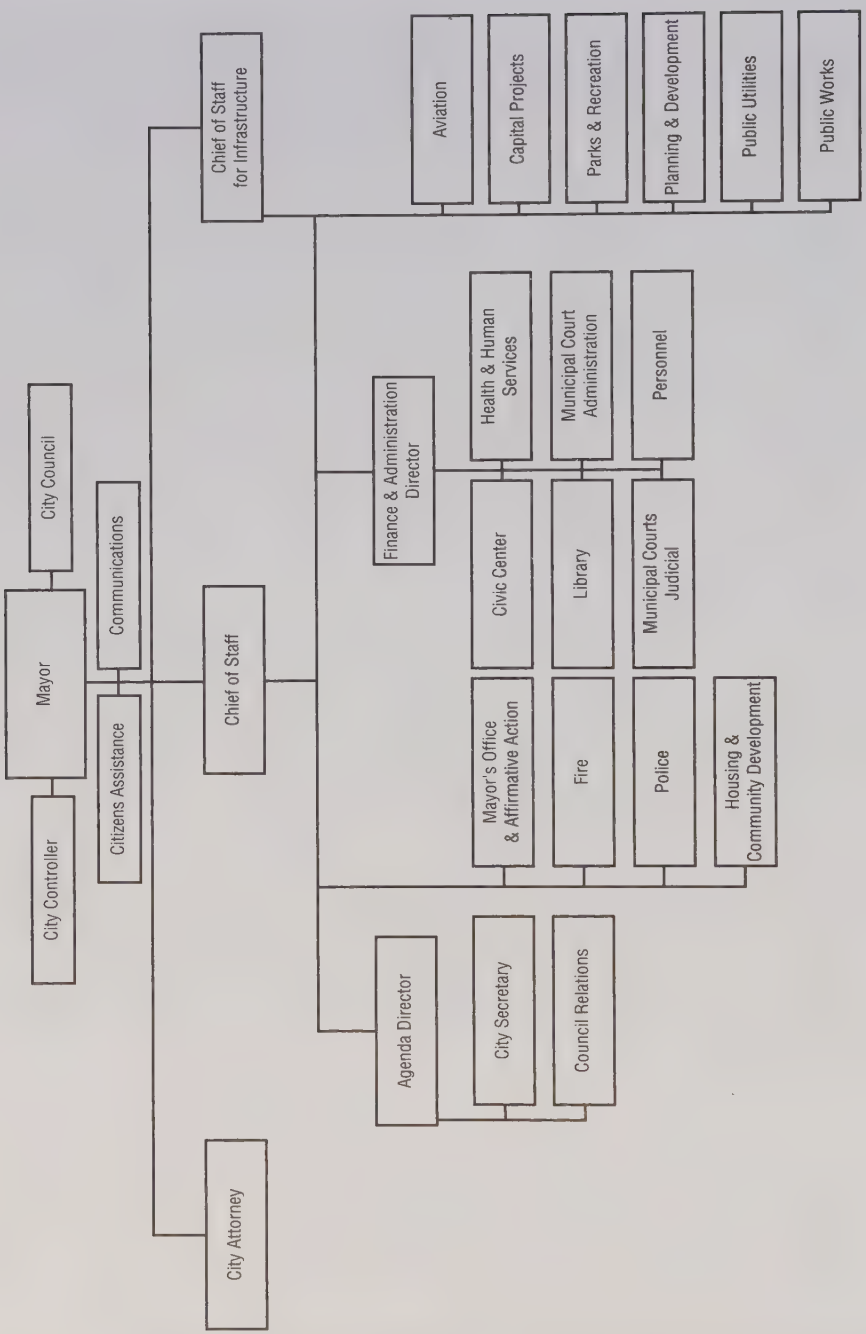
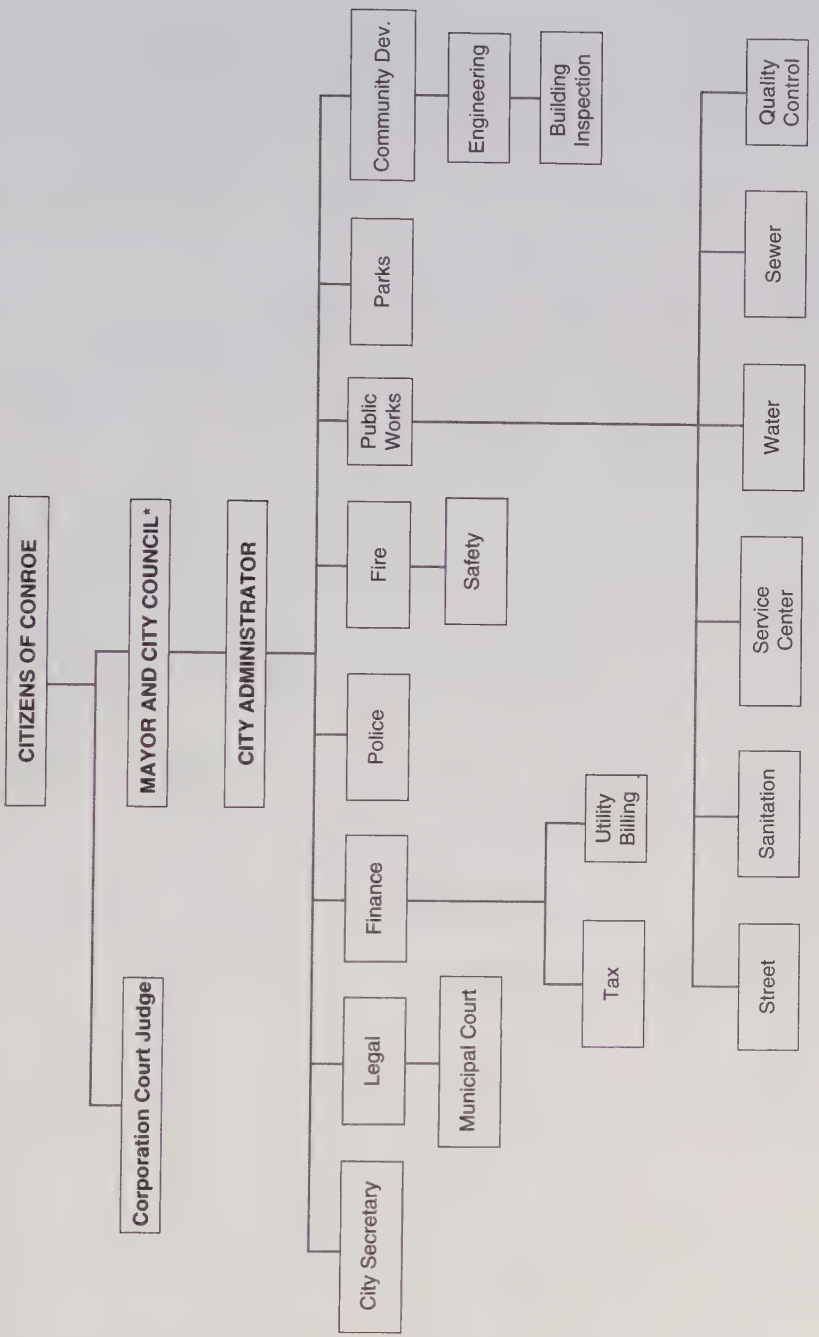


Figure 3.1 Strong Mayor-Council Form of Municipal Government: City of Houston *Source:* Office of the Mayor, City of Houston.



*Note: Mayor and city council appoint and remove department heads. City administrator handles day-to-day administrative duties.

Figure 3.2 Weak Mayor-Council Form of Municipal Government: City of Conroe *Source:* City Secretary's Office, City of Conroe.

Instead of being a chief executive, the mayor is merely one of several elected officials who are responsible to the electorate. Significantly, none of the 10 largest cities in Texas operates under the weak mayor-council form of municipal government because of problems in trying to administer large bureaucracies without a chief executive. Although some small general-law and home-rule cities in Texas and other parts of the country operate on the weak mayor-council plan, the trend is away from this form.

Commission Today, none of Texas's home-rule cities operates under a pure **commission form** of municipal government, in which each commissioner administers a department. This form does not provide a single executive but relies instead on elected commissioners constituting a policymaking board. Although first approved by the Texas Legislature for Galveston, following a destructive tidal wave that demolished that city in 1900, the commission form is no longer popular.

Each of the departments, such as public safety, finance, public works, welfare, or legal, is the responsibility of a single commissioner. Most students of municipal government are critical of the commission form because it lacks a chief executive and has a dispersed administrative structure. Texas municipalities that have a variation of the commission form of government designate city secretaries or other officials to coordinate departmental work. By state law, some general-law cities, such as Gorman (in Eastland County), have a commission form of government.

Council-Manager Utilized by most home-rule cities in Texas is the **council-manager form** (sometimes termed the commission-manager form). This structure has the following characteristics:

- A mayor, elected at large, who is the presiding member of the council
- City council or commission members elected at large or in single-member districts
- A city manager who is appointed by the council (and can be removed by the council) and is responsible for budget coordination

When the cities of Amarillo and Terrell adopted the council-manager form in 1913, a new era in municipal administration began. Aside from Houston and El Paso, Texas's largest cities, such as Dallas, Austin, and San Antonio, are governed with a council-manager system. (See Figure 3.3 for the council-manager form used by the city of San Antonio.) The mayor and city council make decisions after deliberation and debate on policy issues such as taxation, budgeting, annexation, zoning ordinances, and provision of services. Once a policy is made, the city manager's office directs an appropriate department to implement it. Typically, city councils hire professionally trained managers. Successful applicants usually possess graduate degrees in public administration. City councils, in turn, look to their managers for preparation of annual budgets and policy recommendations. Obviously, there is a delicate relationship between

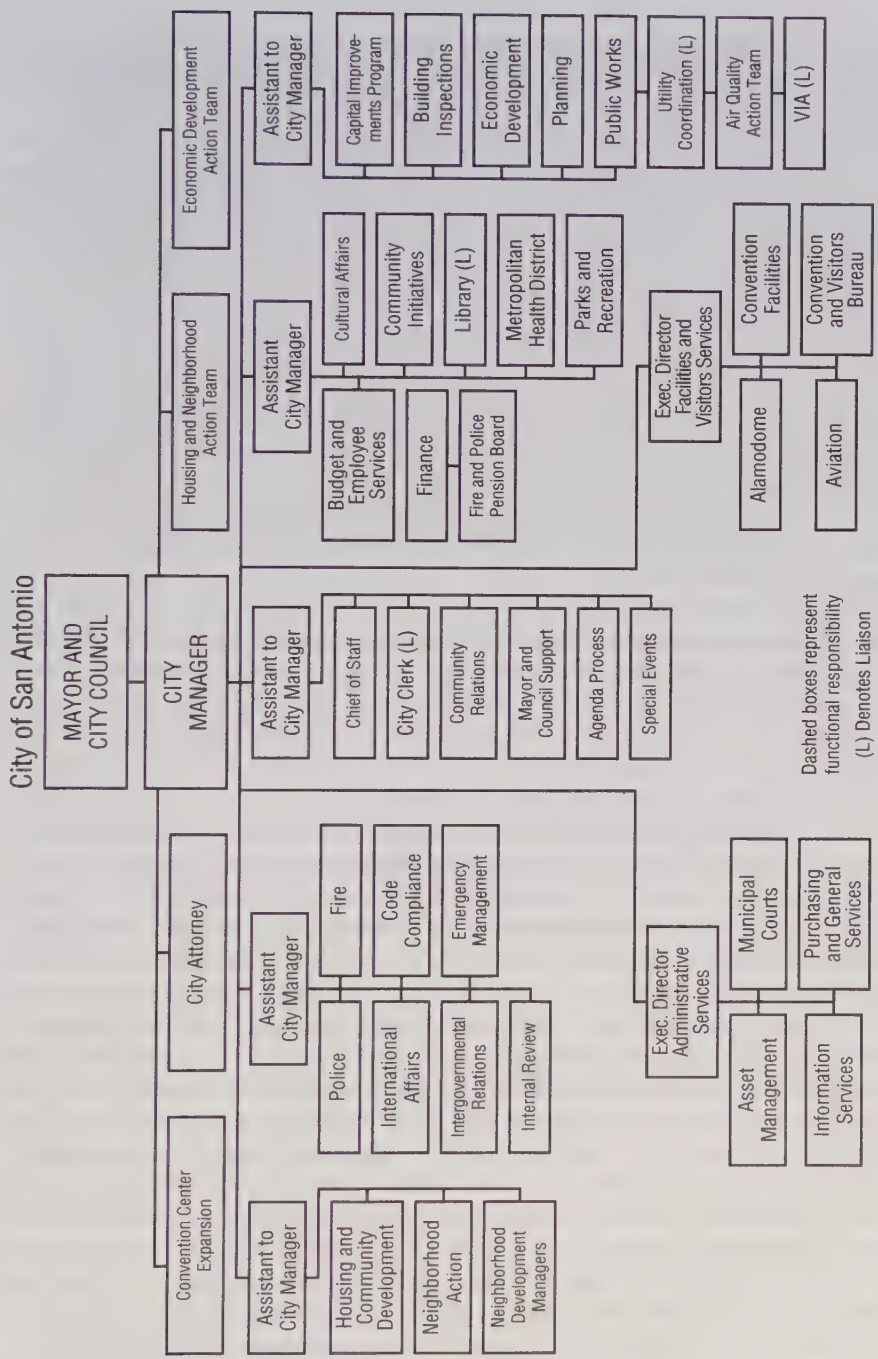


Figure 3.3 Council-Manager Form of Municipal Government: City of San Antonio *Source:* Office of City Secretary, City of San Antonio.

appointed managers and elected council members. Establishing long-standing relationships, however, is sometimes hampered by the fact that some city councils are subject to **term limits** restricting reelection.

In theory, council-manager systems attempt to separate policymaking from administration. Councils are not supposed to "micromanage" departments. Practice demonstrates, however, that elected leaders experience difficulties in determining where to draw the line between administrative oversight and meddling in departmental affairs. Nevertheless, about 220 Texas home-rule cities are governed under the council-manager form of government.

Municipal Politics

Elected mayors or city councils are focal points of policymaking. No longer controlled by wealthy elites, council members increasingly reflect Texas's cultural diversity. Mayoral and city council races can become quite competitive, especially when open seats arise. An open mayoral seat in Austin resulted in an Austin city council member, Gus Garcia, becoming that city's first Latino mayor in November 2001.

All that remains constant for municipal politics in Texas are state-mandated **nonpartisan elections** in which candidates are not listed on the ballot by party label. Instead, aspirants to a city council or mayoral position are endorsed and supported by community groups. There are two basic types of election systems: the **at-large districts**, where all council members are elected on a citywide basis, and **single-member districts**, where voters cast a ballot for a candidate who resides within their district.

Municipal politics has been influenced by two significant developments: emergence of single-member districts for city councils and rising expectations for equal representation by African Americans and Latinos. Studies on voting behavior provide evidence that racial minorities have difficulty getting elected in at-large systems, primarily because of racially polarized voting (voters casting ballots for candidates of their own race). Single-member districts, in contrast, provide a system whereby some districts potentially have a majority of minority voters, thereby increasing the chances of a minority candidate being elected to the city council. Prompted by lawsuits, several cities and towns have adopted single-member districts or a mixed system of at-large and single-member districts. As scholars point out, minorities have an opportunity in single-member systems to be more influential; thus specific and citywide interests are represented.[2] In addition, some Texas cities and towns, such as Amarillo, use **cumulative voting** to increase African-American and Latino representation on city councils. In this system, voters may cast one or more of the specified number of votes for one or more candidates in any combination. Only whole votes may be cast and counted in a city where cumulative voting is used.

Four of the largest Texas cities operate with single-member district plans. Each council member in Dallas (14), San Antonio (10), Fort Worth (8), and El



San Antonio City Council conducts a meeting prior to the 2003 city council runoff election. Seated (L-R) are council members Bobby Perez, Mayor Ed Garza, David Carpenter, Carroll Schubert, Bonnie Conner, Julian Castro, and Enrique M. Barrera. Not pictured are council members Nora X. Herrera, Enrique "Kike" Martin, Antoinette "Toni" Moorhouse, and John Sanders. *(Photo courtesy of Scott Schrader, Media Specialist, St. Mary's University)*

Paso (6) is elected from a single-member district. Since the imposition of single-member districts, the ethnic and racial composition of city councils has become increasingly diverse. Houston has 5 council members elected at large (city-wide) and 9 from single-member districts. As a result of U.S. Census figures for 2000, Texas's city council districts had to be redrawn because of shifts in population within cities and between districts. Under federal law, a city's council districts must have approximately the same population, and any changes in districting must be approved by the U.S. Department of Justice.

Some cities, such as Austin, use a **place system** to elect council members. Under this structure, city council candidates file for a numerically designated place, and those candidates who file for the same place run against one another. Council members are then elected on an at-large basis, with all voters in the city voting in each place contest.

Mayors are elected at large and preside over council meetings that are usually held weekly. In 2002, Dallas city council member Laura Miller became Dallas's new mayor, replacing Mayor Ron Kirk, the city's first African American mayor, who stepped down to run for the state's open U.S. Senate seat. (See Reading 3.1, "Accentuate the Positive: How Laura Miller Was Elected Mayor of Dallas with a 'Small Things' Agenda of Change.") Charters of most cities allow the mayor to vote on any matter before the council, but El Paso's mayor

has only a tie-breaking vote. In some cities, the mayor is chosen by (and is a member of) the city council.

Home-rule cities may also determine whether term limits should be instituted for their elected officials. Some scholars speculate that term limits, coupled with low salaries, risk less effective representation. However, beginning in the 1990s, many cities, such as San Antonio and Houston, amended their charters to institute term limits for their mayor and city council members. Houston, for instance, has a limit of three 2-year terms for its mayor. Similarly, San Antonio has a limit of two 2-year terms for its mayor and city council members. (See Reading 3.2, "'Extreme' Term Limits–San Antonio Style," for a discussion of the impact of San Antonio's restrictive term limits by former San Antonio city manager Alexander Briseno.)

Use of single-member districts has altered the power structures in the largest cities of Texas and has changed municipal service agendas. Coupled with increasing minority populations in such cities as Austin, Dallas, El Paso, Fort Worth, Houston, and San Antonio, it has forced the white, male, business-oriented network of power brokers to "cut the pie" to make municipal government more responsive to the demographic and economic realities of the central city.

Municipal Services

Traffic safety, consumer affairs, pollution control, tree preservation, city planning, building safety, annexation, and zoning restrictions are examples of some of the affairs that municipalities regulate. In addition, most cities establish appointed boards and commissions that function in an advisory capacity to municipal departments in implementing city ordinances.

Competing demands for municipal services often result in controversy, thus giving city councils difficult decisions. Zoning ordinances, for instance, regulate the use of land for residential and commercial purposes, and changing a residential area into a commercial zone often brings increased traffic and crime. (Interestingly, Houston remains the only city among Texas's 10 largest municipalities without zoning powers.) Other controversies arise when city governments consider providing services not typically performed, or decide to cut back certain services because of budgetary restraints. (See the cartoon for the controversy surrounding the San Antonio city council's decision not to cut garbage collection.)

Municipal Government Revenue

What people want most from their local governments are public services paid for with low taxes. Although city hall is a favorite target of angry taxpayers, the Texas Legislature receives its share of pressure because of strict statutory and constitutional limitations on cities.



Branch © *San Antonio Express-News.*

Taxes Texas municipalities are constitutionally empowered to levy general property taxes and miscellaneous occupation taxes (further discussed in the chapter "Revenues, Expenditures, and Fiscal Policy"). An additional city sales tax must be authorized by voters. A new statute, signed into law in 2001 by Governor Perry, gives cities the power to ask voters every four years to approve a quarter-cent sales tax (a total of 1%) for services or projects such as mass transit, economic development, public safety, and street maintenance. Hotel occupancy tax is another important source of revenue, especially for cities that rely on tourism for their local economy.

Fees Texas municipalities may levy fees for issuing beer and liquor licenses as well as for granting building and development permits. Authorized to operate municipal courts, cities also obtain revenue from court costs, fines, and forfeitures for violations of laws to protect the health, safety, and welfare of the public. This revenue may be substantial, especially if traffic regulations are enforced vigorously.

Texas cities may charge a franchise fee based on the gross receipts of public utilities (for example, telephone and cable TV companies operating within their municipal jurisdictions). Texas courts hold that this fee is fundamentally a "street rental" or "alley rental" charge for using the publicly-owned right-of-way. Trailing only property and sales tax revenues, franchise fees are steadily growing as a significant revenue source for the state's major cities.

Texas municipalities are authorized to own and operate water, electric, and gas utility systems. If a city decides to offer these services instead of depending on investor-owned companies, it may collect revenues large enough to permit profits or payments in lieu of taxes, which are transferred to general funds. Charges also are levied for such services as sewage treatment, garbage collection and disposal, hospital care, and use of city recreation facilities. A user fee may mean that a service requires only a small subsidy from a city's general revenue fund, or perhaps no subsidy.

Bonds Taxes and fees normally produce enough revenue to allow Texas cities to cover day-to-day operating expenses. Money for capital improvements (such as construction of city buildings) and for emergencies often must be obtained through the sale of **municipal bonds**. The Texas Constitution allows cities to issue bonds in any amount, provided they annually assess and collect sufficient revenue to pay the interest and retire the principal without exceeding legal tax limits. Cities are authorized to issue general obligation bonds and revenue bonds. General obligation bonds are redeemed out of a city's property tax revenue and must be approved by voters. Revenue bonds are backed by and redeemed out of revenue from the property or activities (such as airports and convention centers) financed by sale of the bonds.

Property Taxes and Tax Exemptions Heavy reliance on an ad valorem tax (based on appraised value) on home and business property places a burden on many Texas communities. Not only do municipal governments rely on the property tax as their major revenue source, but so do counties and most special districts, including public school systems.

To offset somewhat the burden of higher taxes resulting from reappraisals of property values, local governments (including cities) may grant homeowners a 20 percent homestead exemption on the assessed value of their homes; cities may also provide an additional homestead exemption for senior citizens over the age of 65, veterans, and the disabled.

The 77th Legislature proposed a constitutional amendment allowing property tax exemptions for travel-trailer owners, benefiting the "Winter Texans" who travel from colder climates to South Texas during the winter. Approved by the voters in 2001, this constitutional amendment inadvertently imposed a new property tax for school districts to collect because of an oversight by the legislature. In effect, school districts could place a property tax on these trailers that were exempt from other taxation.

Generating Revenue for Economic Development

Appropriations by state and federal lawmakers are shrinking as sources of municipal revenue, especially for **economic development**. Foremost among inner-city problems are dilapidated housing, abandoned buildings, and poorly maintained infrastructure (for example, sewers and streets). This neglect

blights neighborhoods and contributes to social problems, including crime and strained racial relations. Because of pressure against raising property tax rates, city governments typically refrain from increased spending, cut services or programs from their budgets, or find new revenue sources. For instance, cities do have the local option of a half-cent sales tax for infrastructure upgrades. Typically, city councils are forced to opt for one or more of the following actions, which may not necessarily induce economic growth:

- Create new fees or raise fees on services such as garbage collection
- Impose hiring and wage freezes for municipal employees
- Cut services (such as emergency medical) that are especially important for inner-city populations
- Contract with private firms for service delivery
- Improve productivity, especially by investing in technology

Following a national trend, some Texas cities are opting for an innovative revenue-raising plan to stimulate local economies. The legislature authorizes municipalities to create **tax reinvestment zones** (**TRZs**), through temporary **tax abatements** (eliminating property taxes on the increased value for a specified time limit) or **tax increment financing** (**TIF**). The TIF process involves cities that dedicate zones for redevelopment through tax incentives for businesses to locate in blighted inner-city areas. Once established, TRZs "freeze" commercial and residential property tax valuations within their boundaries. The incremental property taxes on the increased values from the investment are then dedicated to paying for public improvements (e.g., streets, drainage, parks, etc.) in the zone. This relieves development costs and provides an incentive for reinvestment. The drawback, however, in offering these financial incentives is the immediate loss of revenue growth. Cities that include operating TRZs are Houston, Dallas, Fort Worth, Austin, San Antonio, and El Paso.

Offering tax abatements to attract businesses can become quite controversial. For instance, in 2000, the city of San Antonio offered a tax abatement for a megahotel to be located in the downtown area. In response, many grassroots organizations, such as COPS (Communities Organized for Public Service) and the Metro Alliance, put pressure on the city council to eliminate tax abatements for companies that pay low wages. These organizations called for companies receiving tax breaks to pay workers a "living wage." This meant one full-time worker in a family of four would earn at least $8.75 per hour to stay above the poverty line.[3]

Counties

Article IX of the Texas Constitution is titled Counties, although it says little about county government. The **county** is an administrative arm of the state, created to serve its needs and purposes. State supervision of county operations,

however, is minimal. As an agent of the state, each of the 254 Texas counties (more than any other state) issues state automobile licenses, enforces state laws, registers voters, conducts elections, collects some state taxes, and helps administer justice. In conjunction with state and federal governments, the county conducts health and welfare programs, maintains records of vital statistics (such as births and deaths), issues various licenses, collects fees, and provides a host of other public services.

Texans tend to regard the county's governmental functions as local rather than statewide in nature. Most people cannot distinguish between functions performed for the county and those conducted for the state. For example, the county sheriff and county judge enforce and administer state law. These officials are therefore state functionaries, yet they are elected by the voters of the county and are paid from the county treasury.

Structure and Operation

Texas counties have the same basic governmental structure, as mandated by the state constitution, despite wide demographic and economic differences between rural and urban counties. (Figures 3.4 and 3.5 contrast the most populous Texas county, Harris, with 3,400,578 residents, and the least populous, Loving County, with 67 residents.)

The Texas Constitution provides for the election of four county commissioners, county and district attorneys, a county sheriff, a county clerk, a district clerk, a county tax assessor-collector, and a county treasurer, as well as judicial officers, including justices of the peace and a county judge. All elected county officials serve four-year terms.

Commissioners Court Policymaking is performed by many county officials, but mainly by a body called the **commissioners court**. Its members are the county judge, who presides, and four elected commissioners. The latter serve staggered terms so that two commissioners are elected every two years. Each commissioner is elected by voters residing in a commissioner precinct. Boundary lines for a county's four commissioner precincts are set by its commissioners court. Precincts must be of substantially equal population as mandated by the "one-man, one-vote" ruling of the U.S. Supreme Court in ***Avery* v. *Midland County*** (1968). As required for city council districts, redistricting must be done for county commissioners courts every 10 years after U.S. Census data are available. In this last cycle (2001), county redistricting battles centered on party power, such as in Bexar County (San Antonio) and Travis County (Austin), as well as increasing Latino representation, such as in Harris County (Houston).[4]

The term *commissioners court* is actually a misnomer, because its functions are administrative rather than judicial. The court's major functions include the following:

- Adopting the county budget and setting tax rates (within constitutional limitations)

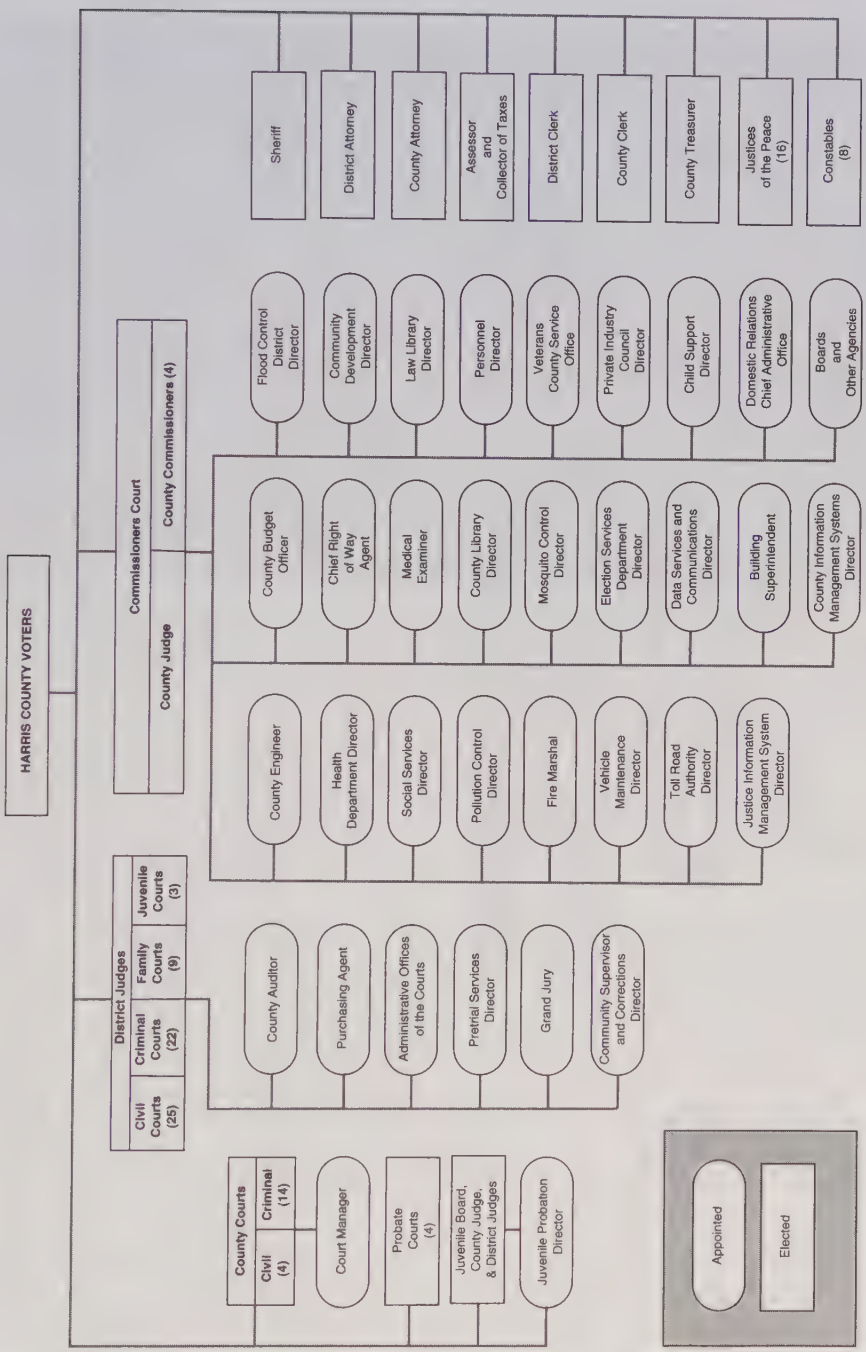


Figure 3.4 Harris County Government (County Seat: Houston) *Source:* Office of Coordination and Budget, Harris County, Houston, Texas.

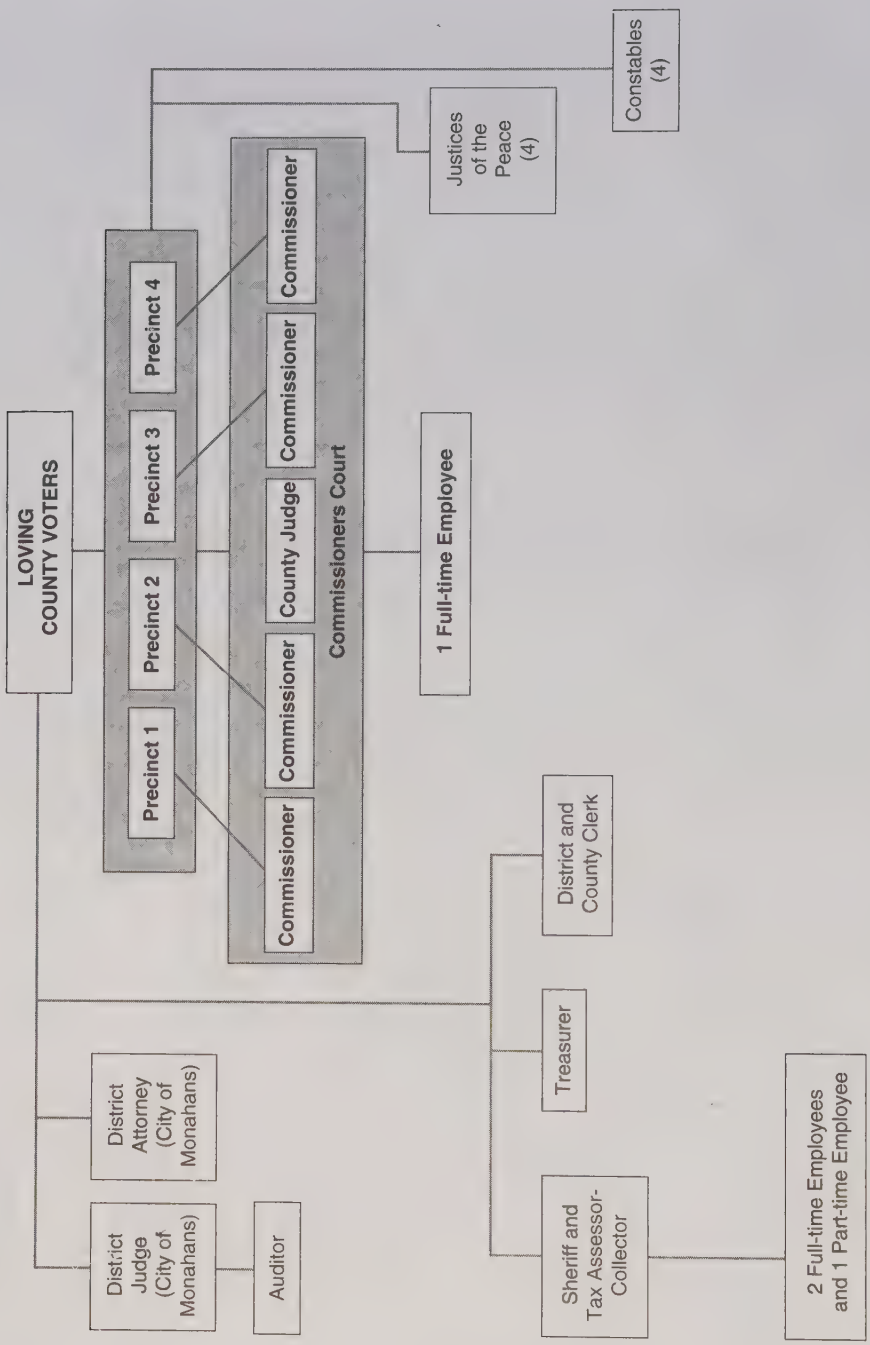
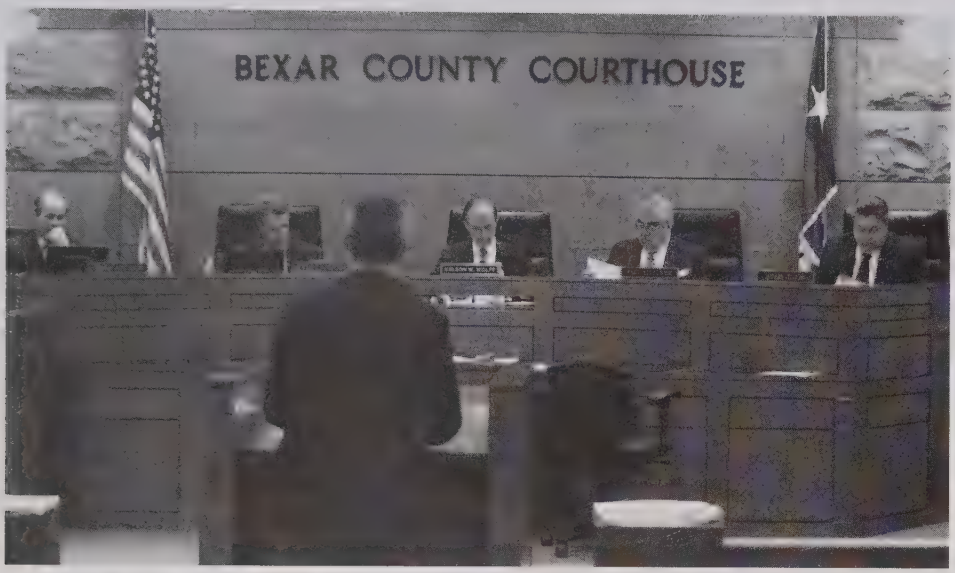


Figure 3.5 Loving County Government (County Seat: Mentone) *Source:* County Clerk's Office, Loving County.



Bexar County Commissioners Court conducts a meeting. Seated (L-R) are commissioners Thomas F. Adkisson, Lyle T. Larson, County Judge Nelson Wolff, Paul Elizondo, and Robert Tejeda. *(Photo courtesy of Scott Schrader, Media Specialist, St. Mary's University)*

- Providing jails, building and maintaining county roads and bridges
- Operating a courthouse
- Administering county health and welfare programs
- Administering and financing elections (all general and special elections—national, state and local)

Beyond these functions, a county is free to decide whether to enter other programs authorized, but not required, by the state. Commissioners may establish and operate county hospitals, libraries, parks, airports, museums, and other public facilities. In addition to their collective responsibilities, commissioners court members have individual duties. Each commissioner serves as road and bridge administrator in a precinct, unless a unit road system has been established under the direction of a county engineer. Frequently, money allotted for county roads and bridges is divided among the four precincts regardless of need. Waste of money, lack of coordination, and faulty administration are the inevitable results.

County Judge Major responsibility for administrative operations of the commissioners court is vested in a **county judge**. Acting in an administrative capacity, the county judge presides over meetings of the commissioners court. In a judicial capacity, the judge in most counties hears cases in county court but is not required to be a lawyer. (See the chapter "Laws, Courts, and Justice" for more information on county judges, justices of the peace, and constables.) The

judge also fills vacancies within the commissioners court, is authorized to perform marriages, and serves as a notary public (an individual who certifies documents, takes sworn statements, and administers oaths).

County Attorney and County Sheriff The **county attorney** represents the state in civil and criminal cases. Some counties, such as Harris, elect both a county attorney and a district attorney, with the latter representing the state in only criminal cases. Nearly 50 counties do not elect a county attorney because the functions of that office are performed by a resident district attorney. Other counties elect a county attorney but share the services of a district attorney with two or more neighboring counties.

The **county sheriff**, as chief law enforcement officer, is charged with keeping the peace in the county. In this capacity, the sheriff appoints deputies and is in charge of the county jail and its prisoners. A Texas sheriff must be at least 21 years old, become a state-licensed peace officer within two years after taking office, and have no record of felony conviction. In a county with a population of less than 10,000, the sheriff also serves as tax assessor-collector, unless that county's electorate votes to separate the two offices.

County Clerk and County Tax Assessor-Collector A **county clerk** keeps records and handles a variety of paperwork chores for both the county court and the commissioners court. In addition, the county clerk files legal documents (such as deeds, mortgages, and contracts) in the county's public records and maintains the county's vital statistics (birth, death, and marriage records). Responsibility for administration of elections also extends to the county clerk, who certifies each candidate for a place on the general election ballot and prepares the ballot (unless the commissioners court appoints an administrator of elections).

Points to Ponder

In the 2002 general election, Bexar County was the last county in the nation to count its ballots because of a complicated two-page ballot that raised problems. Counting a two-sheet ballot (front and back on the first page) that was held together by a paper clip presented a delay in tabulating the optical scan ballots.

Another county office receiving considerable statewide attention is that of the **county tax assessor-collector**, which, partially at least, is a misnomer. The Texas Constitution stipulates that a county with a population of at least 10,000 must have a tax assessor-collector. Since the adoption of a state constitutional amendment in 1982, however, the boards of county tax appraisal districts have assessed property values in each county. Therefore, county tax assessor-collectors no longer perform tax assessment (appraisal) duties as well as collect property taxes. Issuing certificates of title and collecting state license fees for motor vehicles are important functions of the office. The county tax assessor-collector also serves as voting registrar, unless a county creates an election administrator with those duties.

Other County Officers The **county treasurer** receives and pays out all county funds authorized by the commissioners court. If the office is eliminated by constitutional amendment (as in Tarrant and Bell Counties), the county commissioners assign treasurer duties to the **county auditor**. A county of 10,000 or more people must have a county auditor, who is appointed by the district court judge or judges having jurisdiction in the county. The auditing function involves checking the account books and records of all officials who handle county funds. Although not a required officer for some counties, the **county surveyor** is a constitutionally prescribed elected officer who draws no salary but is paid to conduct specific surveys of land within the county.

County Finance

Increasing citizen demands for services impose on most counties an ever-expanding need for money. Just as the structure of county governments is frozen in the Texas Constitution, so is the county's power to tax and, to a lesser extent, its power to spend.

Taxation The Texas Constitution authorizes county governments to collect taxes on property. Although occupations may also be taxed, none of the counties implements that provision. Money collected from the basic property tax is distributed among general revenue, permanent improvement, road and bridge, and jury funds in each county treasury. Additional property taxes may be imposed by a commissioners court, but only after statutory authorization by the Texas Legislature and approval by a majority of the county's qualified voters.

Counties and other local taxing units may grant temporary tax exemptions on property. To qualify for a tax exemption on commercial aircraft, for example, planes may not be in the state for more than 175 days. In addition, pollution control equipment installed by businesses is exempt from county and other local property taxation. Valuation of farm and ranch land is taxed on productivity rather than on market value. If wildlife (such as deer) are fed or hunted on a farm, the property may qualify for an agricultural exemption.

Points to Ponder

After George W. Bush became president, his ranch near Crawford, Texas, was appraised at a market value of $1.57 million by the McLennan County Appraisal District. However, because cattle are raised on the property, Bush received an agricultural designation that lowered the total value to about $800,000, with annual property taxes at roughly $18,000. The year before, he paid taxes estimated at $6,000.

All other real property (such as buildings, mines, and quarries) continues to be assessed at market value or at least some percentage of market value. Also subject to ad valorem taxation is tangible personal property (goods located in the state). Some examples of property exempted from taxation

include government-owned property; household goods and personal effects not used in the production of income (boats, aircraft, and recreational vehicles); holdings of certain designated private, charitable, educational, and religious institutions; farm products in the hands of producers; and supplies for farm and home use. Any motorized vehicle may be exempted on a local option basis. A commissioners court also may grant tax abatements (reductions or suspensions) and reimbursements (return of taxes paid) to attract or retain commercial businesses.

Revenues from Nontax Sources Special laws allow counties to issue **bonds**, subject to voter approval. Revenue from the sale of bonds is used for capital outlays such as payment for a new county courthouse or county jail. County indebtedness is limited by the Texas Constitution to 35 percent of a county's total assessed property value.

As additional sources of income, counties may impose fees for permitting the sale of liquor, wine, and beer. They also receive a percentage of the state's tax receipts on sales of liquor. Texas statutes allow each county to share in revenues obtained from state motor vehicle registration and license fees (50 percent after the first $250,000 collected in the county), motor fuel taxes (25 percent); motor vehicle sales taxes (5 percent); fees for issuing certificates of title for motor vehicles (50 percent); and traffic (speeding) fines issued in unincorporated areas (outside city limits).

Federal grants-in-aid are another source of county revenue, but this source has continued to shrink with block grant funding. Typically the U.S. Congress makes counties eligible to receive any and all aid extended to cities and towns, including grants for construction of hospitals, airports, and public housing. For counties that have military installations, grants of federal money increase. In 2001, counties in South and West Texas, including Hidalgo (Edinburg) and Cameron (Brownsville), received a grant from the federal government to conduct community development projects, such as water and sewer services for colonias along or near the Mexican border. After September 11, 2001, the federal government also allocated antiterrorism monies, especially along the border.

Despite various revenue sources, Texas counties, like other units of local government, are pressured to raise property taxes. Demands for county services and administrative costs continue to increase, but sources of county revenue are not expanding.

Expenditures Although county expenditures are restricted by legal requirements and state administrative directives, patterns of spending vary considerably from county to county. The county judge, auditor, or budget officer prepares the budget, but the commissioners court is responsible for final adoption of an annual spending plan. Maintenance of county roads and bridges continues to require the largest expenditures in rural counties throughout Texas.

Counties do not have complete control over their spending because state statutes and administrative directives require that certain county services be furnished and that regulatory activities be conducted. Thus, counties are required to raise and spend funds for some purposes dictated by state authorities, not by county commissioners. Examples of such expenditures include welfare and mental health programs. In 2001, some counties (for example, Medina County, located just south of San Antonio), were forced to shut down low-income health care assistance programs because of rising costs.

County Government Reform

Two basic problems underlie any organizational or power changes in county government: (1) the government structure established in the Texas Constitution and (2) voter apathy toward local governments in general and county government in particular. Media coverage can do much to overcome the latter problem. Only a home-rule amendment to the Texas Constitution giving counties more autonomy can address the former problem. Texas is one of few states in the country having county governments that does not grant home-rule status to its counties. County government, for instance, cannot pass ordinances unless authorized by the state legislature. In 2001, the 77th Legislature passed a law giving counties some authority to regulate land use, such as new subdivision developments.

Border Counties

Unprecedented growth in population and economic development has resulted in border counties over the past few years, chiefly because of the North American Free Trade Agreement (NAFTA). According to the 2000 census, Hidalgo County and Webb County, for instance, were among the fastest-growing counties in the state and in the Unites States.

More than 40 counties along or near the Mexican border are considered some of the most impoverished areas in the country. Among the most serious issues facing these counties are the poverty rates and the increase of **colonias**, which are depressed border settlements without running water or proper sewage systems. It is estimated that there are currently 1,800 colonias along the U.S.-Mexican border. The majority are located in Cameron County (Brownsville) and Starr County (Rio Grande City). Colonias, however, are no longer exclusive to the U.S.-Mexican border region. In 2002, a "colonia-like" district was identified in Colorado County (Alleyton), suggesting that this problem is expanding to other parts of Texas. More than 1 million Texans live under substandard conditions in these settlements.[5] (See Reading 3.3, "Bottoms Up," for further discussion of colonias.)

Some improvements have occurred, however. In 1999, for instance, legislation was passed allowing counties to establish planning commissions and

giving county officials the authority to conduct inspections of subdivisions. In addition, federal funding was provided to counties with colonias to develop water and sewer services. Moreover, in 2001, Texas voters approved a constitutional amendment that authorizes issuance of general obligation bonds for the development of roads and streets within colonias.[6]

Special Districts

Among local governmental units, the least known and least understood are special-district governments. They fall into two basic categories: school districts and noneducation special districts. Created by an act of the legislature or, in some cases, by local ordinance (for example, establishing a public housing authority), a special district usually has one function and serves a specific group of people in a particular geographic area. Special districts must be classified as units of government because they have the following characteristics:

- An organized existence
- A governmental character (for example, many exercise taxing power)
- Substantial independence from other units of government

Public School Districts

Citizen concerns over public education cause local school systems to occupy center stage among special-district governments. More than 1,000 Texas **independent school districts (ISDs)**, created by the legislature, are governed by popularly elected, nonsalaried boards of trustees. Either three- or four-year terms of office are determined by each board for its members, who may serve more than one term.

Given the nonsalaried status of the office, why would citizens seek membership on a school board? The answer lies in the many powers and duties conferred on these boards by the Texas Legislature. Included among the more important powers are the following:

- Setting personnel policy and hiring the superintendent
- Determining salary schedules
- Providing for construction and maintenance of school buildings
- Selecting textbooks
- Setting the property tax rate for the district

Beginning in 1995, school boards have been given increased local autonomy. State policy directives, however, are administered by the Texas Education Agency, including control of school districts that fail to meet state standards. (For a discussion of the Texas Education Agency, see the chapter "Public Policy and Administration.")

The Politics Surrounding School Funding

Since 1993, under the share-the-wealth school finance plan, taxable property cannot exceed $1.50 per $100 assessed taxable valuation of property. (Some districts are exempt from this cap if they had a higher cap prior to 1993.) The cap was designed to provide an equalized funding system. In addition, wealthy property districts (over 100) must share their tax revenues with poorer districts under this plan. (For further discussion, see the chapter "Revenues, Expenditures, and Fiscal Policy.")

A growing crisis, however, has been developing. More and more school districts, roughly over four hundred, were already at this cap in 2003. The bulk of this money goes to basic day-to-day operations, leaving other expenses underfunded or new expenses not funded at all. The lack of funding has forced school boards to cut programs and staff to balance their budgets, or to increase the student-teacher ratio.

Growing resistance to this fixed cap and legal challenges by wealthy property districts have led the state legislature to consider other solutions. For instance, at the close of the 77th Legislature's regular session in 2001, acting Lieutenant Governor Bill Ratliff proposed a new statewide property tax at $1.40 per $100 assessed value. Revenues from this tax would be distributed among all school districts based on enrollment and other relevant factors. School districts could then increase the tax rate up to 10 cents (subject to voter approval) for other expenses. In addition, the 77th Legislature's Interim Committee on School Finance in 2002 developed alternatives for the 78th Legislature (2003) to consider. These alternatives included a voluntary income tax that would be accompanied with a rebate on sales taxes, or a full-fledged income tax. Constitutional requirements would mean that two-thirds of revenue would then be distributed to schools to reduce school property taxes. However, because the Texas Constitution prohibits a statewide property tax, the voters would have to amend the Constitution.[7]

Junior or Community College Districts

Another example of a special district is the **junior college or community college district**, which offers two-year academic programs beyond high school, as well as various technical and vocational programs.These districts are governed by a college board with the financial responsibilities of setting property tax rates, issuing bonds (subject to voter approval), and adopting the annual budget.

Operated by 50 districts (some with two or more campuses) and three Lamar University units, Texas's 69 public junior or community colleges enroll more than 70 percent of the state's freshman and sophomore students. (See Figure 3.6 for the locations of these districts.)

Unlike fully supported state universities and technical colleges, all public two-year colleges are in part funded locally by local taxes. Approximately 32

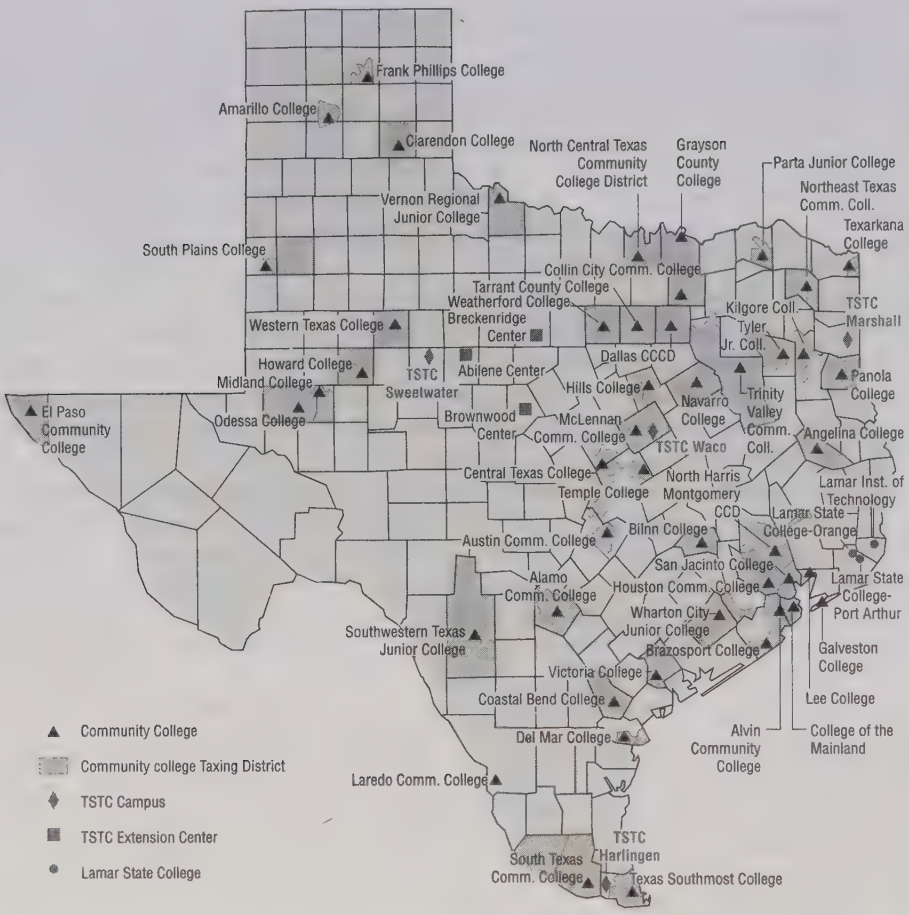


Figure 3.6 Texas Community, Technical, and State Colleges *Source:* Texas Higher Education Coordinating Board **(www.thecb.state.tx.vs).**

percent of their financial support came from district tax revenues in 2001. (Counties outside community college districts and with more than 1,000 students enrolled are expected to pay local taxes to the college district serving these students.) Another 41 percent came from state appropriations. Students paid 27 percent in tuition and fees. Community colleges also receive some financial support from federal aid and miscellaneous sources, such as private donations to fund scholarships.

A recent study commissioned by the Texas Association of Community Colleges found that community colleges stimulate the local economy and are critical to a region's economic development. The study also found that the state benefits from improved health, as well as reductions in crime, welfare costs, and unemployment.[8]

Points to Ponder

A recent study found that students who attend college increase their total earnings. Specifically, for every full-time year in college, students can expect to earn an additional $3,826 per year while employed. For every college-credit hour completed, average earnings increase $117 per year.

Noneducation Special Districts

As if over 1,200 municipalities, 254 counties, 1,040 school districts, and 50 community/junior college districts were not enough local governments for Texas taxpayers to bear, hundreds of **noneducation special districts** have been created. Each carries out a special function. Heading the list of these special districts are more than 1,000 water or utility districts, and hundreds of housing authorities, water conservation districts, hospital districts, and hospital authorities. Mass transit authorities provide public transportation for cities in seven metropolitan areas: Austin, Corpus Christi, Dallas, El Paso, Fort Worth, Houston, and San Antonio. (Local voters determine whether a city establishes or joins a mass transit authority).

Counties may also establish special districts for emergency medical services, jails, rural rail systems, fire prevention, crime control, mosquito control, health programs, airports, noxious weed control, wind erosion conservation, waste disposal, and groundwater subsidence. These examples are symptomatic of a relentless trend in local governance nationwide—namely, trying to solve problems by creating more governments.

Special districts often overcome heavy restrictions placed on municipalities and counties by the Texas Constitution. For example, many public hospitals are built by hospital districts because they operate on a multicounty basis, reaching beyond city limits and county lines. The drawback for developers, however, is dealing with both city and county officials. Because of these increasing difficulties for developers, the state legislature in 2001 passed a law that would requires cities and counties to come to some agreement concerning which government office would evaluate requests for new development, or whether both government offices would work cooperatively.

In addition, special-district governments may raise revenue with property or sales taxes and various fees, depending on statutory directives. Mass transit authorities, such as Houston's Metro and Dallas's DART, rely on a 1 percent sales tax as their principal funding source. Fort Worth's Crime Control and Prevention District levies a half-cent sales tax for its anticrime operations.

The Politics of Noneducation Special Districts

Underlying creation of special districts are political maneuverings of extreme variety and complexity. Private financial gain lies in cozy relationships among many land developers, bankers, and legislators. Out of this axis of power spring hundreds of municipal utility districts (MUDs) and water districts

around Texas's central cities. Texas actually leads the nation with the most special districts. The greatest concentration is in the Houston area, where more than 400 MUDs operate in Harris and adjoining counties.

Controversy has surrounded the legality of some newly created special taxing districts, especially in North Texas. Dallas journalists have reported on bond elections held to approve construction of streets, roads, and water systems, for which future homeowners were then expected to pay with property taxes. Votes were cast by a handful of people who were living in a district, or who were moved into it and often housed rent-free by land developers.[9]

Media reports following these elections revealed that the state's Office of the Attorney General had stopped checking the legality of these elections. This publicity led Texas Attorney General John Cornyn to impose tighter restrictions and acting Lieutenant Governor Bill Ratliff (R–Mount Pleasant) to assign the Senate's Intergovernmental Relations Committee to investigate special districts created in 2002.[10]

Metropolitan Areas

In excess of 80 percent of Texas's people live in 22 metropolitan areas. Ringing large Texas cities are rapidly growing suburban communities with municipal and special-district governments that further fragment local governance. An ever-tightening squeeze brought on by escalating property taxes underlies metropolitan problems. Many scholars question urban policies that address regional issues related to transportation, education, pollution, crime, and housing through special-district governments. Hundreds of water districts are glaring examples of how fragmentation of services impede regional planning.

Scholars are, nevertheless, concerned about how metropolitan areas will be governed in the future. Given legal and political impediments to any comprehensive overhaul of existing governmental structures, quick and easy answers to that question are unrealistic. Entrenched officeholders, particularly county politicians, resist efforts to merge their duties with those of municipal officials. Long-range solutions must begin with an understanding of how and why urban problems transcend existing governmental boundaries.

Councils of Governments

Looking beyond city limits, county lines, and special-district boundaries requires expertise from planners who think regionally. In 1966, the legislature created the first of 24 regional planning bodies known as **councils of governments (COGs)** or, in some areas, planning/development commissions/councils. (See Figure 3.7.)

COGs perform regional planning activities and provide services requested by member governments or as directed by federal and state programs or man-

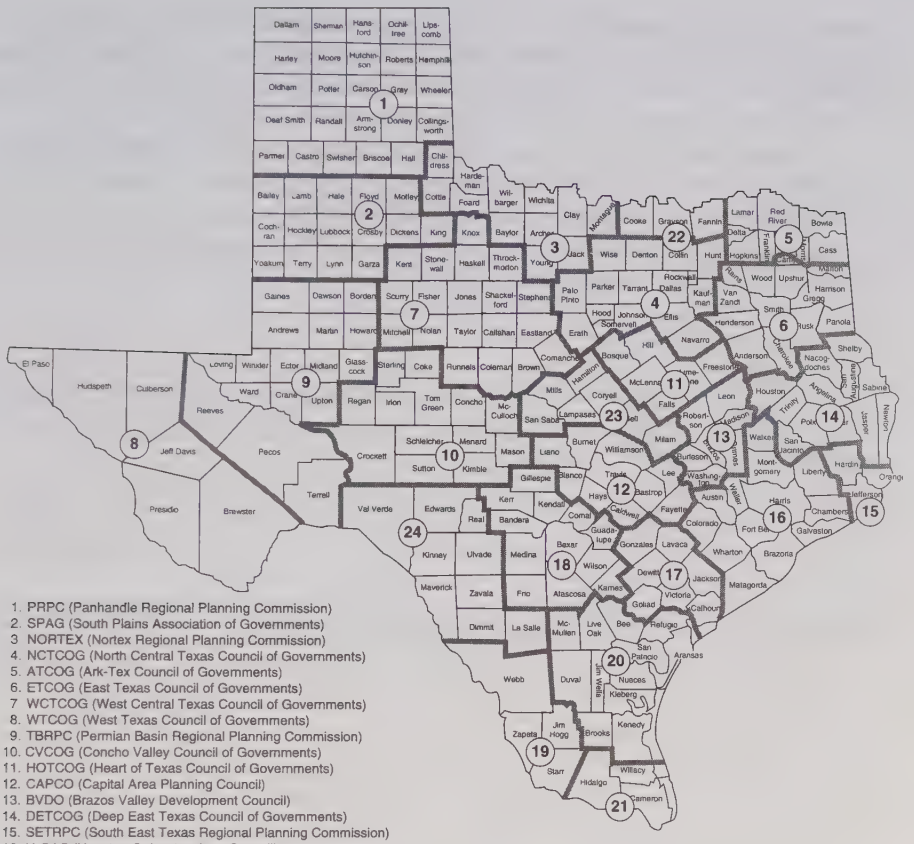


Figure 3.7 *State Planning Regions and Regional Councils of Governments (COGs)*
Source: Office of the Governor, Budget and Planning Office, *Regional Councils in Texas, Annual Report and Directory, 1998–1999* (Austin, 1999), 3.

dates. These councils are not intended to usurp local autonomy of any governmental unit. Governmental membership in a COG is voluntary. Often, because of stringent guidelines for federal grants, COG expertise is required. Through review-and-comment procedures, local officials join with COGs to draft and implement state- and federally funded programs. The procedures constitute a COG's evaluation of grant proposals submitted by member governments. Assume, for example, that a city wants to construct a new water treatment facility with federal or state funds. Before approving the project, a COG determines

how that facility would affect other governments in the COG. Or, for example, if a city wants to create an antipollution program, a COG would determine how the plan would be implemented and evaluate the impact of the plan on surrounding cities.

Some critics of COGs argue that these regional forums are the first step toward **metro government**, which currently exists in Toronto, Ontario (Canada); Miami, Florida; Nashville-Davidson County, Tennessee; and, on a smaller scale, Portland, Oregon. Metro government results in consolidation of existing local governments within an urban area under one umbrella authority.

Municipal Annexation

Aside from COG services, other means of coping with future development and increasing metropolitan problems tend to be cosmetic solutions. The main approach is municipal annexation.

In an attempt to provide statewide guidelines for home-rule cities grappling with suburban sprawl, the Texas Legislature enacted a municipal annexation law in 1963. This statute allows home-rule cities to annex territory beyond their corporate limits, with the following restrictions:

- Generally, territories annexed during a calendar year may not exceed 10 percent of a city's area as of January 1 and, depending on the city's population, must be within one-half mile to five miles of the city limits
- When the unincorporated area is annexed, the city must provide services (for example, water and sewer) for the area, or the annexed area's residents can petition a state district court for deannexation
- A suburban municipality adjoining the central city may be annexed by the central city, but only after voter approval in both the central and suburban communities

Controversies have occurred, especially in cities like Fort Worth, when city councils adopt ordinances annexing unincorporated areas, thus depriving residents in subdivisions an opportunity to determine whether they will be annexed. (Exceptions are general-law cities that must provide unincorporated areas with water and sewer services before annexation occurs.) To protect property owners from unwanted annexation, legislators passed a state law in 2001 that requires cities to wait three years before annexation can occur; the law also allows the county to appoint a panel to negotiate a plan to determine the types and extent of services for residents.

Looking Ahead

Practice of local politics in Texas is as disjointed as the organizational structures of grassroots governments attempting to deliver services. City hall politics, county politics, school board politics, and other special-district politics

present a bewildering array of governments to frustrated taxpayers who are already skeptical and often cynical about politics in general. To whom, then, do grassroots residents turn for answers? How can a sense of community and cooperation be developed within Texas's complex urban areas? Answers to these and related questions must begin with more citizen involvement.

Greater freedom for grassroots governments gives rise to hope that Texas's local governments can become more regionally oriented. Increased voter registration, particularly in central cities, may provide the key for unlocking doors that block political and economic progress. Aided by single-member districts, newly empowered African Americans and Latinos are changing political agendas.

What remains is for citizens to take advantage of opportunities to participate in politics at every level of government—local, state, and national. That first step toward building individual political efficacy (self-empowerment) is essential for democracy to flourish. The chapter "The Politics of Elections and Parties" describes how citizens can vote and work through political parties to affect primaries and general elections.

Chapter Summary

- There are two legal classifications of cities in Texas: general-law cities and home-rule cities.
- Large municipalities have home-rule charters that spell out the structures and powers of individual cities.
- Four principal forms of municipal government are in operation in Texas: strong mayor-council, weak mayor-council, commission, and council-manager.
- Nonpartisan state-mandated elections of city councils or commissions are key features of Texas politics.
- Two basic types of election systems operate in Texas: at-large systems and single-member systems.
- County governments have organizational structures and powers restricted by the Texas Constitution. Counties provide an array of services, conduct elections, and enforce state laws.
- Policymaking is performed by various county officials, but primarily by the commissioner's court, which includes a county judge and four elected commissioners.
- Multiple special-district governments are separate legal entities providing services that include public schools, community colleges, and mass transit systems.
- Metropolitan areas constitute the most formidable challenge for twenty-first century Texans trying to cope with rising property taxes and escalating governmental service needs.

Key Terms

municipal government
general-law city
home-rule city
ordinance
strong mayor-council form
weak mayor-council form
commission form
council-manager form
term limits
nonpartisan election
at-large district
single-member district
cumulative voting
place system
municipal bond
economic development
tax reinvestment zone (TRZ)
tax abatement
tax increment financing (TIF)
county
commissioners court
Avery v. *Midland County*
county judge
county attorney
county sheriff
county clerk
county tax assessor-collector
county tax appraisal district
county treasurer
county auditor
county surveyor
bond
colonia
independent school district (ISD)
junior college or community college district
noneducation special districts
council of governments (COGs)
metro government

Discussion Questions

1. What form of municipal government do you have at your hometown?
2. What are the advantages or disadvantages of one form of municipal government over another?
3. What recommendations would you offer to the state legislature to ensure equal funding for public schools?
4. Drawing from the reading by Alexander Briseno (Reading 3.2), do you support term limits for city council members?

Internet Resources

Austin city government: **www.ci.austin.tx.us**
Dallas city government: **www.dallascityhall.com/dallas/eng/html/dallas_city_council.html**
El Paso city government: **www.ci.el-paso.tx.us/council/acc.htm**
Houston city government: **www.ci.houston.tx.us/citygovt**
Texas Association of Counties: **www.county.org**
Texas Association of Regional Councils: **www.txregionalcouncil.org**
Texas Municipal League: **www.tml.org**
Texas Online: **www.state.tx.us**
Texas State Data Center: **www.txsdc.tamu.edu**

Notes

1. See "Local Government Code," Sections 1.001–140, Chapters 6–8, *Vernon's Texas Codes Annotated* (St. Paul, Minn.: West Group, 1999).
2. See Robert Bezdek, David Billeaux, and Juan Carlos Huerta, "Latinos, At-Large Elections, and Political Change: Evidence from the Transition Zone," *Social Science Quarterly* 81 (March 2000): 207–225. (Special issue: "Hispanics in America at 2000," edited by Benigno Aquirre, Robert Lineberry, and Edward Murguia.)
3. David Anthony Richelieu, "Groups Rip Sheraton Over Wages," *San Antonio Express-News,* 14 March 2000. See also Neal Peirce and Curtis Johnson, "San Antonio Must Join Push for Living Wages," *San Antonio Express-News,* 15 April 2001.
4. Steve Brewer, "Redrawing of Precincts May Be Easy: Hispanic Could Be Member of Court," *Houston Chronicle,* 21 April 2001. See also Steve Brewer, "Hispanics Draw Lines on County Remapping," *Houston Chronicle,* 22 August 2001; Tom Bower, "County Redistricting May Shift Party Balance," *San Antonio Express-News,* 18 April 2001; and Alex Taylor, "Rise of Republicans Complicates Travis Redistricting Effort," *Austin American-Statesman,* 5 August 2001.
5. Alison Gregor and W. Gardner Selby, "Census Finds Border Still Dirt-Poor," *San Antonio Express-News,* 27 May 2002. See also Armando Villafranca, "Not Suitable for Living," *Houston Chronicle,* 5 November 2001.
6. James Pinkerton, "Colonias Eager for Improvements," *Houston Chronicle,* 10 December 2001.
7. Cindy Horswell, "School Struggles with Tax Caps," *Houston Chronicle,* 22 September 2002. See also Janet Jacobs, "More Districts Maxing Out on Tax," *Austin American-Statesman,* 18 June 2002.
8. Kjell A. Christopherson and M. Henry Robison, "The Socioeconomic Benefits Generated by 50 Community College Districts in Texas: Executive Summary," commissioned by the Texas Association of Community Colleges, CC Benefits, Inc., 2002.
9. Brooks Egerton and Reese Dunklin, "Government by Developer," *Dallas Morning News,* 10 June 2001.
10. Brooks Egerton and Reese Dunklin, "Cornyn Asked to Investigate Tax Districts," *Dallas Morning News,* 12 June 2001. See also Reese Dunklin, "Cornyn to Tighten Rules on Tax Zones," *Dallas Morning News,* 16 August 2001.

Selected Readings

3.1 Accentuate the Positive: How Laura Miller Was Elected Mayor of Dallas with a "Small Things" Agenda of Change*

Mary Clare Jalonick

When Laura Miller announced her candidacy to run for mayor of Dallas, most political players discounted her candidacy and viewed her as a naysayer. Yet, in one of the more competitive races for Dallas mayor, Laura Miller managed to win.

Dallas city councilwoman Laura Miller is one of the city's most interesting politicians. A caustic former reporter for the alternative news-weekly *Dallas Observer,* she had surprised many by winning a seat on the city council in 1998.

She used that position to constantly pester Mayor Ron Kirk, who had held the city's top office since 1995 and won re-election with 74 percent of the vote in 1999. Miller gained a reputation—rightly or wrongly—of being against everything that came across her desk, particularly "big-ticket" initiatives like a new downtown arena and the city's bid for the 2012 Olympics. She was known for sharp remarks and occasional blow-ups.

So when Kirk announces he was stepping down as mayor to run for the state's open U.S. Senate seat, Miller jumped into the race for the city's top job. At the time, local polls viewed her as a long shot. How could the chief foe of the popular Kirk parlay her three years of obstructionism into winning the mayoralty?

Miller Time?

In early October 2001, when Kirk appeared certain to run for the seat of retiring Republican Sen. Phil Gramm, the field to succeed him appeared wide open. The city's first African-American mayor, he was known for building coalitions between the city's large black community and the Dallas business establishment.

The first name to emerge was Mary Poss, the mayor pro-tem who would become acting mayor after Kirk's departure in early November. She had served on the city council since 1995, and had proved a popular public official and a prolific fundraiser.

Another name on the short list—which was shorter than usual, since contenders would have to raise enough money to run a quick special election campaign—was businessman Tom Dunning, an agreeable friend of Kirk and the Dallas business community who had been a behind-the-scenes player in the city's politics for many years.

Dunning had eyed the mayor's job before. In 1995, he started a campaign but withdrew from the race to support Kirk. He had sold his company, which managed worker benefits for several area employers, in 1998 and was currently chair of the Dallas/Fort Worth

* From *Campaigns & Elections* (May 2002): 32–39. Reprinted by permission. Mary Clare Jalonick is a political reporter at *Congressional Quarterly.*

Airport board. He had also chaired Dallas Together, a group created in the 1980's to work through the city's racial problems.

Miller's potential candidacy for the non-partisan post was largely discounted by many political players. She had not only antagonized the mayor during her term on the city council, but also many of the area's powerful business leaders, who she thought were spending too much of taxpayers' money on the "big ticket" projects supported by Kirk.

On Oct. 27, Poss said she would not run. This strengthened Dunning's position, who shared Poss' base among the city's establishment. Though Kirk had not made his Senate run official, Dunning was suddenly the frontrunner. Miller said she would have to consult her family before making a decision.

Dunning soon resigned from the airport board and hired political consultant Carol Reed, a well-known campaign strategist who had strong ties to the city's business community. She had worked with Kirk since his first mayoral campaign, and had spearheaded campaigns for many of his initiatives. Dunning also hired Republican pollster Glen Bolger of the Alexandria, VA-based firm Public Opinion Strategies, and Austin media consultant David Weeks. As Miller was considering a bid, she was negotiating with one of the city's other prominent political consultants, Rob Allyn. Allyn, who had worked with President George W. Bush when he was the state's governor, was well known for his role in the successful campaign of Mexican President Vicente Fox.

Allyn said he balked at Miller's candidacy when she first called. Republican Allyn and Democrat Miller had often appeared on the local PBS station together, representing opposite sides of issues. He told the *Dallas Morning News* during the campaign that when Miller first called, he said, "You have got to be kidding. I can't do that. You and I have disagreed on all these big issues, and it would destroy my business."

Allyn says now that he thought Miller would have trouble growing above her early base vote. "It was a pretty counter-intuitive proposition to say the least, because the book on her was that she was so negative." But Miller finally convinced him, and he decided to work on her campaign. The local political community, who had worked on several campaigns with Allyn—was shocked. Allyn told papers that his first concern was her negative image, and he would set about to change that.

In the second week of November, Kirk officially announced he was running for the Senate seat and resigned his post. The special election was set for Jan. 19, with a runoff Feb. 16. On Nov. 18, Miller announced her candidacy at a local park, telling supporters that she would focus on "little things" like roads, parks, swimming pools and safer neighborhoods. . . . Two other candidates had entered the race. Tom Landis, who owned a local restaurant, and state Rep. Domingo Garcia were competing for votes but having a hard time being heard over Miller and Dunning. Garcia had a significant Hispanic base, however, and both the Miller and Dunning campaigns knew he could affect the outcome of the race.

Priority: Potholes

Miller's issues continued to dominate the race, as Landis said he would fill as many potholes as possible in the first 90 days of his tenure. But Dunning's power structure support was too strong: On Dec. 9, the *Dallas Morning News,* a paper that had once employed Miller

but had felt her sting more than once, published a glowing editorial of the businessman, praising his "quiet leadership" and saying he was the candidate with "character, experience, and maturity."

Both Miller and Dunning sent out direct mail pieces, attempting to inoculate against their weaknesses. Miller addressed her negative image, saying "some things you heard about me—that I'm a naysayer with no positive vision—are wrong." Dunning said he had "done a great many good things for Dallas, even though you may not have heard of me." The two also played up their strengths, Dunning stressing his record of public service and Miller talking about her new "back to basics" vision for the city.... Allyn and Miller pre-shot a response ad to the anticipated attack ads that would likely come in January. Miller also went up on the air for the first time with a bio ad the week after Christmas, an ad that Dunning's camp called her "Mary Poppins" spot. She defined herself in positive terms, with flowers and a needlepoint pillow in the background.

Miller also capitalized on her writing skills and sent out 100,000 copies of a letter listing the things she would do as mayor. Its purpose was also to raise money, since Dunning had banked $1 million already. Miller had raised less than half that going into the new year, and would need funds for the last few weeks of the campaign.

But what Miller lacked in money she more than made up for in charisma. Dunning was a reluctant campaigner, with an experienced record of public service and extensive knowledge of the issues. While some accused Dunning of promising too much, others accused Dunning of promising too little. Unlike Miller's "pothole" agenda, Dunning didn't have as clear or as specific a message.... Miller built a strange coalition. While she was endorsed by gay and lesbian groups, who she promised she would include in the City Hall dialogue, she also had the support of fiscal conservatives in white-collar north Dallas who were turned off by Democrat Kirk's spending habits. She had support from a few Hispanic and black groups who felt disenfranchised, and white voters who saw her as the chief antagonist to the city's African-American mayor. She also received help from police groups after she promised she would raise their pay. Allyn called it "The Village People" coalition. Though her coalition components represented diverse ideological persuasions and demographics, they had one thing in common:

They All Wanted Change in City Hall

Dunning's support came primarily from those segments of the population who were happy with Kirk and the status quo: business leaders in north Dallas and black voters in south Dallas. He also had the endorsement of every council members but one, which some saw as a blow to the Miller campaign.... Just before the Jan. 19 primary election, the *Dallas Morning News* published a poll that showed Miller with 37 percent, Dunning with 29 percent and Garcia with 14 percent. Eighteen percent were undecided. Miller said her own polling showed her with a higher margin, and predicted she would win outright, avoiding a Feb. 16 runoff.

She just barely missed it. Jan. 19 was a beautiful day and voter turnout was heavy in the white north Dallas areas where she had the most support. Miller received 48.8 percent of the vote, while Dunning received 39 percent and Garcia polled 11.1 percent. Landis had dropped out of the race shortly before the election. Exit polls confirmed what the campaigns already

knew. Dunning won 67 percent of the vote in heavily black precincts, and did well in the city's wealthiest communities, dominated by business interests. But Miller carried a majority of the white vote overall. Garcia led among Hispanic precincts with Miller coming in a strong second, receiving 42 percent, and Dunning running third with about 11 percent.

The Runoff

An editorial in the *Dallas Morning News* ran the day after the election, giving both candidates advice:

> What Laura Miller must do to win: Make sure her supporters turn out. Raise enough money to compete with the Dunning ad blitz. Woo Domingo Garcia supporters, especially those in her home base of Oak Cliff. Not fall into playing the shrill role her rivals have assigned her.
>
> What Tom Dunning must do to win: Make sure his supporters turn out. Outspend his opponent and flood the airwaves with ads. Woo Domingo Garcia supporters, especially black voters. Pull out every stop—even drag former Mayor Ron Kirk into the spotlight—to motivate black voters to turn out a second time.

Both candidates said they had winning campaigns, and made efforts to sway Garcia's voters. Dunning won his endorsement quickly, however. Garcia held a press conference immediately endorsing him, and the Dunning campaign saw an opening within the Hispanic constituency.... Small controversies erupted, including allegations that business leaders had offered to retire Garcia's campaign debt in return for an endorsement for Dunning, and counter accusations from Garcia that Miller had also offered to pay his debt. A hint of the old, more negative Miller reemerged, and she called the endorsement "Dunning-gate." But Dunning brushed off the accusations, saying that she was just upset because he got Garcia's endorsement. Through it all, however, Miller mostly kept control of her positive message, while Dunning pounded away at her. Both now had sufficient war chests—Miller had raised $1.4 million and Dunning had raised $2 million....

Positive Change vs. Negative Status Quo

On election day, Miller won with 55 percent of the vote. Miller increased her margins in north Dallas over the primary while Dunning increased his margins in south Dallas, but turnout there was lower. Hispanic turnout fell sharply, now that Garcia was no longer on the ballot.

Just after the campaign, Dunning analyzed his own loss, telling the *Dallas Morning News* in early March: "The more I got into the campaign, the more I saw how entrenched Laura's supporters were. I didn't perceive that people were anti–Tom Dunning. I perceived that they were pro-change."

At the start, Miller's victory was not assured—in fact, it seemed a long shot to many who had watched her pound podiums and insult fellow lawmakers. But she ran a smart, focused campaign. Her vision for change dominated the issue agenda, and touched a discontent in the city that many observers hadn't understood....

3.2 "Extreme" Term Limits—San Antonio Style

Alexander E. Briseno*

Limiting the number of terms an elected official can serve in office is not an uncommon practice. However, in San Antonio, the city charter provision on term limits is among the most restrictive in the country and can be considered "extreme." This provision's impact on governance needs review after application for more than 10 years.

Political Climate

To understand what instigated term limits in San Antonio, it is necessary to review the city's political environment immediately prior to the adoption of this provision. The late 1980s and early 1990s were a challenging period for San Antonio as well as most cities in Texas. The economy was suffering: banking, construction, and oil and gas industries were in disarray; unemployment rates were increasing; and real estate property values were decreasing. The impact on the city of San Antonio was daunting due to increasing demands for services concurrent with declining or stagnant revenue sources. City officials responded by adopting "bad news, bad news" budgets that reduced service levels while raising the property tax rate high enough to recover lost revenues due to lower property values and still generate a net revenue increase.

A number of other controversial issues muddied the political landscape and deepened divisions in the ongoing community debate. The city council approved a four-year collective bargaining agreement with the San Antonio Police Officers Association and subsequently discovered that its cumulative financial impact had been inaccurately calculated by the city's negotiating team, resulting in greater fiscal woes. A hotly disputed election was held in 1989 to approve a half-cent sales tax increase for five years to build the Alamodome, a multipurpose domed stadium, and its companion transit facility. The land acquisition and construction of the Applewhite Reservoir, a surface water project designed to supplement the city's sole source of water, was approved by the city council despite community concerns about its cost and viability.

Ultimately, a taxpayers' "watchdog" group organized petition drives that successfully garnered enough voter signatures to force elections in 1990 and 1991 on three major issues: a property tax rate rollback, repeal of the ordinance approving construction of the Applewhite Reservoir, and an amendment to the city charter limiting the terms of members of the city council.

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The term limits provision allows an individual to be elected twice to the office of mayor or council member during his or her lifetime and then be prohibited from running for election again. As a result, 39 council members and four mayors served on San Antonio's 11-seat governing body between 1991 and 2001. By comparison, during the prior 10 years, 15 council members and 2 mayors occupied those same seats. The turnover resulting from the term limits provision has had a significant effect on the community's governance.

City Council Service After Term Limits

Newly elected council members come into office from diverse backgrounds, with varying levels of life experience, and sometimes with a limited understanding of municipal government. Each, wittingly or unwittingly, evolves through progressive phases of learning, adapting, executing, campaigning, and completing, sometimes on an ongoing basis.

Local government in San Antonio is a complicated business. Within three months of taking office, council members are presented with a proposed consolidated annual budget of up to $1.4 billion, financing a full array of municipal services to almost 1.2 million residents delivered by more than 12,000 employees on a 24/7 basis. The city government must manage basic city services ranging from public safety to infrastructure maintenance and construction. It operates enterprises including garbage collection, airports, convention facilities, parking garages, sports venues, golf courses, and retail centers. In addition, it provides many services to enhance the quality of life and well-being of the residents: libraries, parks, health facilities, cultural institutions, and social services.

The city government is also actively engaged in stimulating economic activity and investment as well as the revitalization of decaying neighborhoods. To accomplish these tasks it must manage a strong revenue stream financed by a complex assortment of taxes, fees, fines, rents, contracts, and other charges for services. Ample preparation is desirable for serving on the governing board of this corporate conglomerate, which is equivalent to a *Fortune* 1000 company. In this context, new council members are responsible for making policy decisions and must learn as much as possible about the intricacies of governance to assure high-quality, responsive, and sufficient municipal services. This learning process is best achieved over time as issues arise and are addressed; at least one to two years of experience is necessary to be minimally effective.

A new council member must also adapt to conducting business in a different and very public environment. Getting to know the other 10 members of the council, their strengths and weaknesses, goals and priorities, and personalities is critical to being able to forge coalitions that result in success. Familiarity with procedures for initiating policy direction, accounting for expenses, complying with ethics and election laws, contracting, and countless other activities is also important. Moreover, city business must be conducted in the light of public scrutiny actively monitored by multiple media sources; neighborhood, community, and business groups; and opponents and supporters alike. This adaptation phase is rarely concluded since the variables are dynamic and evolutionary.

During their first term, council members must then execute or "deliver" to set the stage for reelection. Sometimes uninformed campaign rhetoric of expanded services, more effi-

ciency, and "no increased taxes" demands adherence, although it is often difficult to achieve in reality. Campaign promises become accountability measures for the electorate, and efforts to initiate and execute a campaign agenda must show progress. As a consequence of two-year terms, "making an impact" within six to 18 months is highly desirable. Frequently, elections based on a "change" agenda create conflict when implementation attempts are made, whether successfully or quashed by apparent impermeable obstacles. Intensive and sometimes frustrating, the execution phase is a prerequisite to a reelection campaign.

A year to 18 months after taking office, council members should be gearing up for the next election: organizing supporters, discouraging opponents, and soliciting campaign contributions. Then they must wage a three to six month reelection campaign, have countless time-consuming but necessary meetings and rallies with myriad interest groups and individuals, write and deliver multiple speeches, and make continuous personal outreach to voters. Watchful opponents exacerbate the need for accountability. Finally, council members must achieve all this while handling the persistent responsibilities of city business and while still learning, adapting, and executing. The campaign phase, if successful, completes the first two years in office and leads to a new term.

Council members' final two years in office are punctuated by endeavors to complete the initiatives undertaken in the first term or promised during the campaign. Returning council members are now "veterans" who guide the recently elected freshmen and serve in leadership capacities on city council committees. With two opportunities for reviewing and approving the city budget and its implicit work program under their belt, these veterans are more effective in addressing pressing municipal issues and executing their commitments. However, this effectiveness is sometimes short-lived: within a year their attention becomes focused on who will succeed them, and they become potentially "lame ducks," unaccountable to the voters.

This is not the case if they are ambitiously seeking higher office, such as the mayor's seat or state and county positions. Nevertheless, their effectiveness is frequently diminished by election calendars that may force them to resign their council seats as early as six months into their second term. Therefore, "extreme" term limits can produce officeholders who only serve as little as 30 months of their potential 48-month tenure. Their successors are appointed by the city council, creating a different breed of unelected new council member. Indeed, among the 39 San Antonio city council members who served from 1991 to 2001, eight were first appointed to the office, two of whom were never elected.

This final completion phase, marked by lame-duck stature or pursuit of higher office, caps the progression, with varying levels of success, through the other phases of learning, adapting, executing, and campaigning. Together these phases reflect the overall context for city council service under the term limits provision.

Impact on Governance

But what are the results? What has been the impact of term limits on governance in San Antonio? Since 1991, it appears the community has experienced short-term, disjointed policy direction with limited overall vision. In addition, sources of influence have often shifted, and community leadership development has been challenged.

Continuity in completing multiyear phased projects or policy initiatives has been diminished. Each two-year council cycle witnesses from four to as many as eight council members elected for the first time. Bound by the pressure to make their own mark in order to get reelected, new council members often push programs or projects that render short-term, positive, or visible results to the top of the list, failing to continue the work of their predecessors and leaving the investment in engineering designs and program plans on the shelf.

As policy priorities shift, long-term planning efforts drag on for years and can best be completed by advocate council members who may rise to the mayor's office. For example, the comprehensive revision of the Master Plan, a policy guide for community growth and development that was raised as an issue in the mayoral campaign of 1991, was not effectively completed until the approval of the rewrite of the Unified Development Code in 2001. Annual goal-setting sessions have generated top-echelon priorities in many diverse areas, such as youth programs, international trade, sidewalks, neighborhood police patrol, workforce development, community revitalization, crime prevention, water quantity/quality, and infrastructure maintenance. Although new perspectives and ideas can be beneficial, these periodic shifts in municipal priorities drain resources and reduce council members' effectiveness in making a lasting impact with comprehensive strategies. This myopic, truncated vision through a four-year window ultimately can hamper San Antonio's ability to reach its potential for a better quality of life for all of its residents.

Term limits has generated a policy arena often filled with uncertainty and struggles for power and influence. Some observers see the power shifting to the bureaucracy, augmented by the strength of continuity and institutional knowledge and resistant to change, secure in the knowledge it can outlast change agents. However, this view has nurtured skepticism among incoming elected officials that borders on mistrust and detonated teambuilding between policymakers and the city employees who execute their policies. Indeed, council members are often leery of municipal professionals' recommendations, forcing staff personnel to invest significant time and energy revalidating themselves every two years, again sapping resources better applied to delivery of municipal services. Burdened by this lack of confidence in staff input, new council members are frequently vulnerable to the counsel of others seeking influence on policy decisions. Campaign contributors, contractors, special-interest groups, and lobbyists gain audiences and input that, although predictable in a political environment and sometimes worthwhile, may outweigh the judgment of the city's own professional cadre and can result in policy decisions flavored by private gain at the expense of the public good.

Moreover, the policy arena is further scrambled as term-limited council members vie for an edge in the anticipated competition for the mayor's chair, the only option for continued municipal elected service after two terms on the city council. Policy agendas and supportive coalitions are juggled within the governing body for months prior to the election as potential candidates poise themselves for the mayor's race. Conflicts lace policy decisions as campaign positions are staked out, and frequently policy decisions are postponed or hurried to satisfy political strategies. Indeed, the turmoil fueled by San Antonio's "extreme" term limits appears to have had a cumulative impact on governance in the community that is questionable.

The inherent turnover mobilized by the term limits provision has also challenged the community's ability to renew its leadership talent pool. This continuous demand for new elected official talent has been aggravated by miniscule council pay ($20 per meeting), demanding mayoral and council district responsibilities, and their concomitant time commitments. Experienced midcareer individuals with family obligations are often reluctant to offer their candidacy for public service in this environment. Consequently, leadership options are sometimes inordinately skewed toward inexperienced yet well-meaning and enthusiastic elected officials who are restricted from fully realizing their leadership potential before term limits forces them out of office. Council members are elected, go through a learning process in the context of the conditions outlined above, become more effective, and then move out of office to other endeavors before the community can maximize the value of their newly developed expertise. The cycle is then repeated, further depleting the reservoir of willing and capable potential leaders. Outgoing council members interested in further elected public service are then thrust into the competition for county or legislative seats, further complicating the governance scenario at other levels. Ultimately, this guaranteed turnover of leadership may be detrimental to the community.

Conclusion

Indeed, with more than 10 years of application, the current city charter provision limiting elected service in the positions of mayor and council member to two 2-year terms—with a subsequent lifetime prohibition of running for these offices—has had a significant impact on San Antonio's governance. It has fostered a challenging maze to maneuver in order for elected officials to become effective in their already difficult policy-making role for cities. The community's vision has frequently narrowed to immediate fixes at the expense of nurturing comprehensive, long-term strategies for San Antonio's future. Struggles for power and influence often mark the decision-making process, sometimes minimizing the public good. Finally, the community's leadership talent pool is confronted with the constant need for reinvigoration.

Although term limits are common in government and periodic replacement of entrenched incumbents can inject fresh ideas into policy development, San Antonio's "extreme" term limits are frequently counterproductive. Given the electorate's apparent support for limiting elected service, a longer period of up to eight years, with the potential to return after an intermittent absence, may prove more effective. Maintaining the status quo may only serve to jeopardize San Antonio's future.

3.3 Bottoms Up*

Cecilia Balli

Cameron Park is the poorest community in America, a Brownsville colonia where people struggle to get by on little more than $4,000 a year. So why are its residents so optimistic?

* From *Texas Monthly* (January 2003): 116–119, 126–129. Reprinted by permission.

He calls them his "one thousand acres of excellence." In the northeastern corner of the border city, just four miles north of Mexico, Bill Hudson has reinvented Brownsville in a way Brownsville never dared imagine itself. Using tile, stone, and stucco, the cheery blue-eyed native converted property his grandfather had purchased in 1937 into an upscale and as yet unfinished residential and retail development known as Paseo de la Resaca. There are now restaurants, shopping strips, and an events center, and when all is said and done, Brownsville will also count some two thousand new homes and a man-made waterway framed by a nine-mile hiking and biking trail. "This is six years ago," says Hudson, who looks and dresses like a Southern gentleman but is fascinated by Mexican border culture. He points at an aerial shot of a brown wasteland hanging on his conference room wall and snickers. "Nada." For Hudson, Paseo de la Resaca is more than a development; it is a symbol of what could happen all along the Texas-Mexico border if only its people were willing to think big, to dream. In his view, the biggest challenge the border region faces is not drugs or immigration or low wages but what he calls "a deficit of spiritual capital, which is reflected in a resignation to mediocrity."

But even as Brownsville basks in this new identity, Paseo de la Resaca is not the only development in this part of town where people have come with visions of upward mobility. Rubbing against Hudson's excellent acres, in the shape of a slightly flawed parallelogram—and at a markedly different point on the economic spectrum—lies Cameron Park. This neighborhood of 4,895 residents is, according to the 2000 U.S. census, the poorest place in the country. The ranking is based on the median income per capita for communities of one thousand or more households. If the middle-American tries to make it on $21,587 a year and the middle-Texan lives on $19,617, the Cameron Park resident squeaks by on just $4,103. For most of the people who live here, this is the beginning of the American experience.

A Success Story?

Cameron Park is a "colonia." The Spanish term refers literally to a "neighborhood" or a "settlement of homes," but along the Texas-Mexico border, it carries the stigma of fierce deprivation. Along the border it translates to rutted roads, crumbling homes, no running water. Along the border it means that the community is not incorporated, that it exists in legal limbo, really, because no government entity wants the responsibility of providing basic services. Colonias began to crop up in the sixties, when wily developers started selling plots of raw land that were cheap but had no infrastructure: no paved streets, no water and electricity hookups, no sewer lines. The lots were typically sold under contracts for deed, meaning that the buyer did not get title to the land until he made his final payment. By 2000, when critics of George W. Bush made conditions in the colonias an issue in the presidential race, the number of colonias in Texas had grown to almost 1,500.

The origins of Cameron Park date to 1964, when a thin, bespectacled man with a white mustache named Edward Dicker began selling off hundreds of 7,200-square-foot lots for as little as $300 each. That was well before Cameron County officials passed building codes in the early seventies that required new subdivisions to provide water and sewer services. But even after the new restrictions were passed, Dicker continued to sell. In 1979,

when a Mexican journalist asked him who had authorized the sales, he replied defiantly, "Me. They're mine."

The floodgates were open. People who had crossed over the border from Mexico flocked into the neighborhood, where they squeezed into acquaintances' homes or rented trashed-out trailers while saving up to buy their own plot of land—their own little chunk of the American promise. The men took jobs as shrimpers, welders, day laborers, construction workers, or housepainters. The women became maids, home health aides, or seamstresses, or they participated in the informal economy, selling blankets, jewelry, and used clothing. Cameron Park stretched out until it became a city of sorts, one that has now displaced Indian reservations and Southern rural towns as this country's most glaring illustration of economic deprivation. After the census made Cameron Park's status official, journalists arrived from Chicago, Washington, D.C., and Germany, pressing residents on what it's like "to live in the poorest place in the nation." They cited the alarming numbers: Four-fifths of the colonia's dwellings are substandard; more than a third still lacked indoor plumbing.

And yet, these poverty statistics obscure the fact that Cameron Park is, in its own way, a success story, a down-and-out version of Paseo de la Resaca. Like Bill Hudson's Brownsville, the Cameron Park of today looks nothing like its former incarnation. As the largest of the country's 119 colonias, it has in the past eight years demanded and secured the attention of elected officials, with some $8 million in public funds having gone into making the place a symbol of what can be done in these poor settlements of the border: paved roads, water and sewer hookups, and soon to come, even curbs, gutters, sidewalks, and streetlights. How to show in a quantitative survey that Cameron Park has a bustling community center that offers a whole slew of social services? How to brag that there is now a Boys and Girls club, a sheriff's substation, a small health clinic, and a park? How to describe the shops lining its western boundary, which offer everything from birthday cakes and flowers to rotisserie chickens and tuxedo rentals? The signs of empowerment are everywhere. Undocumented immigrants speak of legalization, the documented speak about the importance of voting, and religion has taken root in the homes, where neighbors gather weekly to relate spiritual readings to their own material needs.

In other words, how to explain to demographers and statisticians and newspaper reporters that poverty is a relative thing—to rationalize why, amid the doom and the tragedy, optimism thrives?

Activism for Social Services

"This is the way Cameron Park used to be," says 56-year-old Gloria Moreno, tapping her fingernail on a snapshot of mesquite and three-foot-tall weeds, which she pulls from a pile of photo albums documenting Cameron Park's progress since the seventies. "Like this. Like a jungle. There were snakes, there were scorpions, there were tarantulas, and at night you could hear the coyotes go like this: *auuuu!*" The worst was when it rained, says the self-described traditional Mexican wife who metamorphosed into an unflinching activist. When it rained, the children were scolded by bus drivers for climbing on with dirty shoes and had to scrape off the mud at the school's restroom sinks before entering the classroom. When it rained, the excrement rose to the top of the latrines, where the mosquitoes

hovered before buzzing around the colonia and feasting on its residents. When it rained, the neighborhood erupted into a chorus of grunting automobile engines as cars and trucks fell prey to the hidden potholes and the chewy mud, their wheels spinning pitifully until the earth gave or a motor broke. If the rain came at three in the morning, the men emerged from their homes in a frenzied rush to park their trucks on the main road outside the colonia. The next morning, the repercussions: a missing battery, slashed tires.

The activism was born of sheer frustration. In its nascent stages, it was a movement shaped by men in guayaberas and cowboy hats, residents of the colonia who were inspired to action when they began to see county officials and other politicos pop into the neighborhood to drum up political support. Maybe their voice—at least their vote—mattered beyond Cameron Park. They joined forces with Valley Interfaith, a church-based, grassroots community group that was working to raise the standard of living for residents across the Rio Grande Valley. They organized meetings in the colonia, where the community president, Fidel Velasquez, diligently learned how to conduct a meeting. On the walls, they hung white paper and spelled out the rules in Spanish: We shall put our politics aside when the meeting begins; we shall not digress from the issues to discuss personal problems. But it seemed the politicians never lived up to their end of the deal. The Mexican daily newspapers, which covered Cameron Park extensively in the seventies and eighties, speculated that county officials hoped Cameron Park would not develop into a permanent neighborhood because the Brownsville Country Club was about to be constructed not far from the colonia's western boundary.

Moreno, who moved into Cameron Park in 1977, sometimes stood near the back of the room during those meetings, soaking up the lessons about how to approach and speak in front of elected officials. But when the U.S. Department of Agriculture asked the mother of eight to begin organizing nutrition classes for the colonia's residents, she initiated another kind of activism that catered particularly to the needs of women and children. After the nutrition lessons had been imparted to her neighbors, she began working the rest of the colonia by street, which wasn't easy since there were no street signs or addresses at the time. So Moreno pulled out the map she had received when she bought her property and began tracking her progress with a black marker. When an organization that provided health care asked her to find it some clients, her method became more precise; she filed each household's paperwork in separate envelopes and labeled them for future reference: "White house with red trimmings and three pines."

The huddled political meetings and street organizing began to pay off. In 1994, after residents had made frequent visits to Austin, the Texas Water Development Board and the Brownsville Public Utilities Board agreed to install water and sewer lines. Many of the homes did not meet the codes required for hookup, but state officials decided to proceed anyway. After much prodding, Cameron County began paving the streets, and Texas A&M University's Colonias Program helped build the community center. That center serves as the clearinghouse for a number of other government and nonprofit programs, which deliver their services in Spanish, with cultural modifications if necessary. The colonia's churches—Catholic, Baptist, and Pentecostal—provide another crucial spiritual and social support system. "If Gloria and I want to do something, and if we want everybody to know," Alma Rendon, the center's 54-year-old program coordinator, says, "we call the churches and everybody hears the gossip."

Housing Problem

Social services have transformed Cameron Park, but the biggest remaining challenge here, as in all colonias along the border, is housing. Owner-built homes, which are the norm in the community, take years to complete and sometimes don't meet building codes when they are finished. The major obstacle to securing a mortgage is that the poor have a difficult time qualifying for loans because banks require some credit history. Using low-interest loans subsidized by the federal and state governments, the nonprofit Community Development Corporation of Brownsville (CDCB) has built 130 simple wood-frame and brick homes in the colonia since 1997, but this hardly makes a dent in the housing problem. Several years ago Don Currie, the executive director of the CDCB, pushed this idea: that the government loans would go further if they could be bundled with private loans from Valley banks. The CDCB has helped organize the eight-year-old Rio Grande Valley Multibank, a group of lenders that has been making these loans for two years—with nearly flawless results. Unlike traditional mortgages, potential homebuyers do not have to meet rigorous credit standards; they only have to prove that they pay their bills on time and earn enough to meet their monthly payment. The banks protect their own risks by jointly maintaining a reserve fund in case anyone fails to make a monthly payment. Out of 145 mortgages the CDCB has overseen in Cameron Park, only one has been foreclosed on—and this because the borrower died and left no family to take over. "Our main point," Currie says, "was to show that you can lend these people money and they'll pay it back."

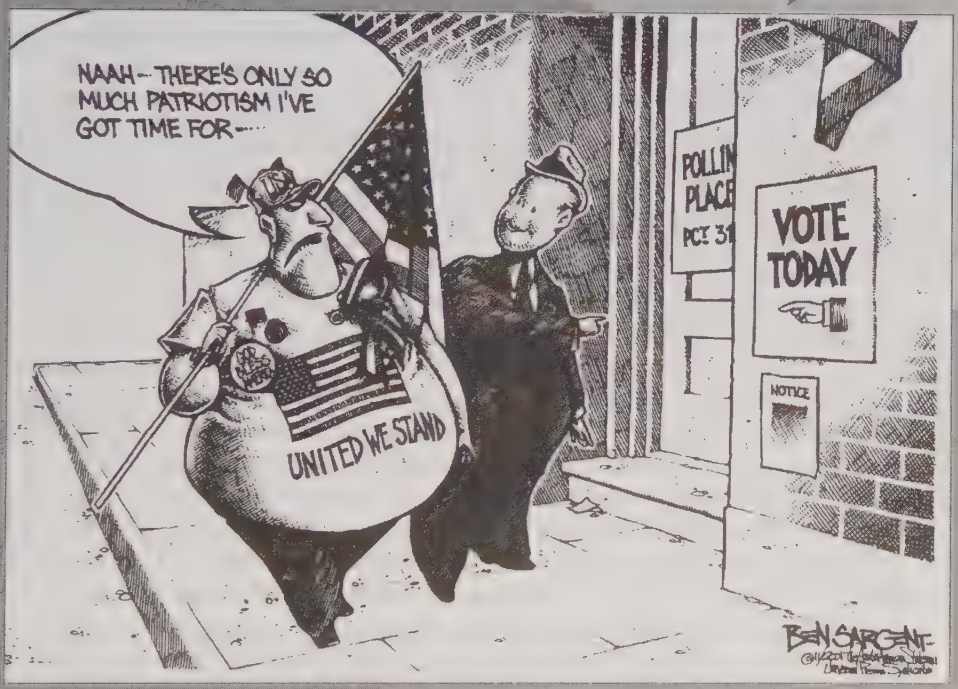
Better Days Ahead?

The ultimate test of how far the neighborhood has come will be whether the City of Brownsville, which has created a doughnut hole on its map by annexing all of the land surrounding the colonia, ever decides to take it in too. It is doubtful that this will happen anytime soon. Cities annex only areas that can provide enough tax revenue to pay for services like maintaining the streets and providing police and fire protection, and Cameron Park lacks the tax base. Time and again, city officials have sniffed at the idea, but they always conclude that the cost of providing services is too high. The colonia thus remains under the care of the county, which has neither the authority nor the funds to do what a city can do. Some residents say they would rather not pay city taxes anyway, while others point out that annexation would bring garbage control, bus service—possibly even a post office and a fire station.

One person believes with certainty the day will come. "This will be a prime neighborhood fifty years from now, prime neighborhood," says Bill Hudson, tapping at the parallelogram on his aerial map. "Cameron Park is gonna get better and better and better. It is not the bombed-out, burned-out permanent slum, and it's mostly because of the people. They are decent people." While Paseo de la Resaca may provide Brownsville's vision, this colonia will continue playing the essential role of absorbing the border's—and America's—deepest poverty. As Hudson's neighbor Seifert candidly puts it: "Thank goodness for Cameron Park."

Chapter 4

The Politics of Elections and Parties



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The fundamental principle on which every representative democracy is based is participation in the political process by the people. Yet, even as the right to vote in the twentieth century was extended to almost every citizen 18 years of age or older, participation levels declined throughout the century's final decades. Citizen participation through elections and political parties, and the impact of that participation, are the subjects of this chapter. Ben Sargent's cartoon on the previous page notes that even self-proclaimed patriots may not take time to vote.

Voting

The U.S. Supreme Court has declared the right to vote to be the "preservative" of all other rights.[1] For most Texans, voting is their principal political activity, and for many it is their only exercise in practicing Texas politics. Casting a ballot brings individuals and their government together for a moment and reminds people anew that they are part of a political system. We begin our study of the electoral process in the Lone Star State by focusing on voters and voting.

Obstacles to Voting

The right to vote has not always been as widespread in the United States as it is today. **Universal suffrage,** by which almost all citizens 18 years of age and older could vote, did not become a reality in Texas until the mid-1960s. Although most devices to prevent people from voting have been abolished, their legacy remains.

Adopted after the Civil War (1861–1865), the Fourteenth and Fifteenth Amendments to the U.S. Constitution were intended to prevent denial of the right to vote due to race. But for the next 100 years, African American citizens in Texas and other states of the former Confederacy, as well as many Latinos, were prevented from voting by one barrier after another, legal and otherwise. For example, the white-robed Ku Klux Klan and other lawless groups used terrorist tactics to keep African Americans from voting. Most of the Klan's activities were focused in northeast Texas, and at least 20 counties, extending from Houston north to the Red River, experienced some form of Klan terror.[2] In the late 1860s, bands of Klansmen rode through the countryside burning houses and crops while beating and intimidating terrified blacks.

Literacy Tests Beginning in the 1870s, as a means of preventing minorities from voting, some counties in Texas began requiring prospective voters to take a screening test that conditioned voter registration on a person's literacy. Texans who could not pass these **literacy tests** were prohibited from registering. Other counties required constitutional-interpretation or citizenship-knowledge tests to deny voting rights. These tests usually consisted of difficult and abstract questions concerning a person's knowledge of the U.S. Constitution or understanding of issues supposedly related to citizenship. In no way, however, did these questions measure a citizen's ability to cast an informed vote.

Grandfather Clause Another device enacted by southern states to deny suffrage to minorities was the **grandfather clause**. It provided that persons who could exercise the right to vote prior to 1866 or 1867, or their descendants, would be exempt from educational, property, or tax requirements for voting. Because African Americans had not been allowed to vote prior to the adoption of the Fifteenth Amendment in 1870, grandfather clauses were used along with literacy tests to prevent African Americans from voting while assuring this right to many impoverished and illiterate whites. The United States Supreme Court decision in ***Guinn* v. *United States*** (1915) declared the grandfather clause unconstitutional because it violated equal voting rights guaranteed by the Fifteenth Amendment.

Poll Tax Beginning in 1902, Texas required that citizens pay a special tax, called a **poll tax**, to become eligible to vote. The cost was $1.75 ($1.50, plus $.25 that was optional with each county). For the next 62 years, many Texans—especially low-income persons, including disproportionately large numbers of African Americans and Mexican Americans—frequently failed to pay their poll tax during the designated four-month period from October 1 to January 31. This, in turn, disqualified them from voting during the following 12 months in party primaries and in any general or special election. As a result, African American voter participation declined from approximately 100,000 in the 1890s to about 5,000 in 1906. With ratification of the Twenty-Fourth Amendment to the U.S. Constitution in January 1964, the poll tax was abolished as a prerequisite for voting in national elections. Then, in ***Harper* v. *Virginia State Board of Elections*** (1966), the U.S. Supreme Court invalidated all state laws that made payment of a poll tax a prerequisite for voting in state elections.

All-White Primaries The so-called **white primary**, a product of political and legal maneuvering within the southern states, was designed to deny African Americans and some Latinos access to the Democratic primary.[3] Following Reconstruction, Texas, like most of the South, was predominately a one-party state. Between 1876 and 1926, only one statewide Republican primary was held in Texas. By contrast, the Democratic primary was the main election. White Democrats would nominate white candidates, who almost invariably won the general elections. The U.S. Supreme Court had long held that the Fourteenth and Fifteenth Amendments, as well as successive civil rights laws, provided protection against public acts of discrimination but not against private acts. In 1923, the Texas Legislature passed a law explicitly prohibiting African Americans from voting in Democratic primaries. When the U.S. Supreme Court declared this law unconstitutional, the legislature enacted another law giving the executive committee of each state party the power to decide who could participate in its primaries. The State Democratic Executive Committee immediately adopted a resolution that allowed only whites to vote in the Democratic primaries. This practice was declared unconstitutional by the U.S. Supreme Court in ***Smith* v. *Allwright*** (1944).[4]

Racial Gerrymandering Manipulating legislative district lines to underrepresent persons of a political party or group is termed gerrymandering. "Packing" black voters into a given district or "cracking" them to make black voters a minority in all districts both illustrate gerrymandering. Such tactics were used in the South to circumvent the application of the Fifteenth Amendment and to dilute the black vote. Today the term **racial gerrymandering** is associated with the creation of "majority-minority" districts that allow more racial minorities to elect candidates of their choice. In ***Shaw* v. *Reno*** (1993), the U.S. Supreme Court condemned two extremely odd-shaped, black-majority districts.

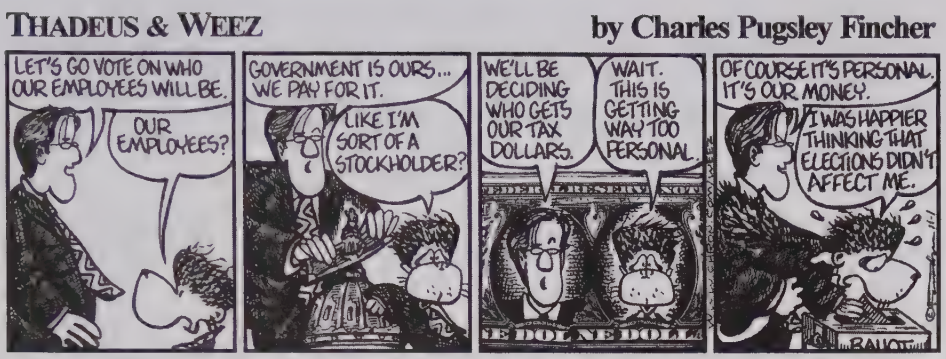
Diluting Minority Votes Creating **at-large majority districts** (each electing two or more representatives) can prevent an area with a significant minority population from electing a representative of its choice. Under this scenario, the votes of a minority group can be diluted when combined with the votes of a majority group, but federal courts have declared this practice unconstitutional where representation of ethnic or racial minorities is diminished.[5]

Democratization of the Ballot

In America, obstacles to voting or suffrage have been removed by successive waves of democratization. To promote and protect voting nationwide, in the later half of the twentieth century the U.S. Congress enacted important voting rights laws.

Federal Voting Rights Legislation The Voting Rights Act of 1965 was a significant step to expand the electorate and encourage voting. As amended in later years, this law (together with federal court rulings) abolished the use of all literacy tests in voter registrations, prohibited residency requirements of more than 30 days for voting in presidential elections, required all states to provide some form of absentee or early voting, and allowed individuals (as well as the U.S. Department of Justice) to sue in federal court to request that voting examiners be sent to a particular area. The Voting Rights Act of 1975 also established new federal policies designed to increase voter turnout among Native Americans and Latinos. For example, the use of bilingual election materials is required in states with a significant percentage of Spanish-speaking residents, such as Texas.

In 1993, Congress passed the National Voter Registration Act, or **motor voter law**, which simplified voter registration by permitting registration by mail, or at welfare, disability assistance, and motor vehicle licensing agencies or military recruitment centers. The new procedures provide for voter registration services to be offered to persons when they apply for, or renew, drivers' licenses or visit a public assistance office. Texas citizens also have the opportunity to apply for voter registration or to update their voter registra-



tion data by mail, using an appropriate state or federal voter registration form. In addition to registration by mail, Department of Motor Vehicles offices and voter registration agencies are required to provide voter registration services to applicants. If citizens believe their voting rights have been violated in any way, federal administrative and judicial agencies such as the U.S. Department of Justice are available for assistance. This imposing body of congressional legislation, together with federal court orders, has removed almost every obstacle to exercising the right to vote. In practice, these new safeguards are particularly applicable to situations involving historical racial minority groups.

Amendments to the U.S. Constitution also expanded the American electorate. The **Fifteenth Amendment** prohibits the denial of voting rights because of race; the **Nineteenth Amendment** precludes denial of suffrage on the basis of gender; the **Twenty-Fourth Amendment** prohibits states from requiring payment of a poll tax or any other tax as a condition for voting; and the **Twenty-Sixth Amendment** forbids setting the minimum voting age above 18 years.

In Texas, as in other states, determining voting procedures is essentially a state responsibility. All election laws currently in effect in the Lone Star State are compiled into one body of law, the **Texas Election Code**.[6] In administering this legal code, however, state and party officials must protect the voting rights guaranteed by federal law.

Qualifications for Voting To be eligible to vote in Texas, a person must meet the following qualifications:

- Be a native-born or naturalized citizen of the United States
- Be at least 18 years of age on election day
- Be a resident of the state and county for at least 30 days immediately preceding election day

- Be a resident of the area covered by the election on election day
- Be a registered voter for at least 30 days immediately preceding election day
- Not be a convicted felon (unless sentence, probation, and parole are completed)
- Not be declared mentally incompetent by a court of law[7]

Most adults who live in Texas meet the first four qualifications for voting, but registration is required before a person can vote. Anyone serving a jail sentence as a result of a misdemeanor conviction or not finally convicted of a felony is not disqualified from voting. The Texas Constitution, however, bars from voting anyone who is incarcerated, on parole, or on probation as a result of a felony conviction and anyone who is "mentally incompetent as determined by a court." A convicted felon may vote immediately after completing a sentence or following a full pardon. (See Table 9.3 for examples of misdemeanors and felonies.)

Voter registration is intended to determine in advance whether prospective voters meet all the qualifications prescribed by law. Most states, including Texas, use a permanent registration system. Under this plan, voters register once and remain registered unless they change their mailing address and fail to notify the voting registrar within three years or otherwise lose their eligibility to register. Because the requirement of voter registration may deter voting, the Texas Election Code provides a number of voter registration centers in addition to those sites authorized by Congress under the motor voter law. Texans may also register at local marriage license offices, in public high schools, with any volunteer deputy registrar, or in person at the office of the county voting registrar. Some counties have officials whose sole responsibility is election administration. In others, it is one of many responsibilities of the tax assessor-collector or (if designated by the county commissioners court) the county clerk. Currently, less than 12 percent of the counties in Texas employ a full-time **elections administrator**.

Between November 1 and November 15 of each odd-numbered year, the registrar mails a registration certificate effective for the succeeding two voting years to every registered voter in the county. Postal authorities may not forward a certificate mailed to the address indicated on the voter's application form if the applicant has moved to another address; instead, it must be returned to the registrar. This enables the county voting registrar to maintain an accurate list of names and mailing addresses of persons to whom voting certificates have been issued. Registration files are open for public inspection in the voting registrar's office, and a statewide registration file is available in Austin at the Elections Division of the Office of the Secretary of State.

The color of voter registration certificates mailed to eligible voters in November of odd-numbered years differs from the color of the cards sent two years earlier. For example, blue was the color selected for certificates mailed

to voters in 2003. The Office of the Secretary of State determines the color of voter registration certificates. Although voter registration certificates are issued when a person registers to vote, one can legally cast a vote without a certificate by providing some form of identification (such as a driver's license) and signing an affidavit of registration at the polls.

Two Trends in the Suffrage From our overview of suffrage in Texas, two trends emerge. First, there has been a steady expansion of voting rights to include virtually all persons of both sexes who are 18 years of age or older. Second, there has been a movement toward uniformity of voting policies among the 50 states. In fact, however, democratization of the ballot has been pressed on the states largely by the U.S. Congress, by federal judges, and by presidents who have enforced voting laws and judicial orders.

Now that nearly all legal barriers to the ballot have been swept away, the road to the voting booth seems clear for rich and poor alike, for historical minority groups as well as for the majority, and for individuals of all races, colors, and creeds. But universal suffrage has not resulted in a corresponding increase in voter turnout, either nationally or in Texas.

Voter turnout in Texas is higher in presidential elections than in nonpresidential elections. While this pattern reflects the national trend, electoral turnout in Texas tends to be significantly lower than that of the nation as a whole. But with its governor running for president in the 2000 election, Texas actually ranked above the national average in voter turnout (the percentage of the voting-age population casting ballots) at 44.3 percent. By contrast, the 2002 nonpresidential election yielded a 29.3 percent turnout of the voting-age population in Texas. Few citizens believe their vote will determine an election outcome, but some races have actually been won by only a single vote. In 1998, two nominations in the Democratic primaries (one in Kleberg and another in Chambers County) were determined by a coin toss because of a tie vote. In local elections at the city or school district level, a turnout of 20 percent is relatively high. Among the city council elections in the five largest cities in Texas in 2003, none yielded a turnout greater than 15 percent. This presents one of the greatest ironies in politics: that people are less likely to participate at the level of government in which they can potentially have the greatest influence.

Low citizen participation in elections has been attributed to the influence of pollsters and media consultants, voter fatigue resulting from too many elections, negative campaigning by candidates, lack of information about candidates and issues, and feelings of isolation from government. Members of the 77th Legislature in 2001 determined that low voter turnout was caused by governmental entities holding too many elections. To cure "turnout burnout," they passed a bill that limits elections to four uniform election dates each year.[8] However, runoff elections, local option elections under the Alcoholic Beverage Code, bond or tax levy elections for school or

college districts, emergency elections, elections to fill vacancies in the legislature, recall elections, and other elections that are specifically exempted by statute can be held on nonuniform dates.[9]

Decisions by people to vote or not to vote are made in the same way other decisions are made: on the basis of anticipated consequences. A strong impulse to vote may stem from peer pressure, a perception of one's own self-interest, or a sense of duty toward one's country, state, local community, political party, or interest group. Decisions about whether to vote are also made on the basis of cost measured in time, money, experience, information, job, and other resources.

Cultural, socioeconomic, and racial factors also contribute to the low voter turnout in the Lone Star State. Texas's principal political cultures place little emphasis on the importance of voting. As identified in the chapter "The Environment of Texas Politics," in the individualistic culture present in Texas, people generally view government as an adversary or nuisance. They see little practical need to participate in the decision making of their government. The traditionalistic culture, also present, teaches people to accept the political system and not to question it or participate in it. They see little chance of affecting the system. This is particularly true for many lower-income African Americans and Latinos.

Of all the socioeconomic influences on voting, education is by far the strongest. Statistics clearly indicate that as educational level rises, people are more likely to vote, assuming all other socioeconomic factors remain constant. The effect of education on voting is greatest for those with the least education. More schooling tends to reduce the cost of voting. For example, educated people usually have more income and leisure time for voting; moreover, education enhances one's ability to learn about political parties, candidates, and issues. Educated persons can more easily comply with voting regulations, learn how and when to register, understand instructions for completing forms, and follow and interpret coverage of political campaigns by television, newspapers, and other media.

Another socioeconomic factor that strongly affects voter turnout is income. Texas ranks sixth in the nation in the percentage of its population living in poverty. People of lower income often lack access to the polls, information about the candidates, or opportunities to learn about the system. Income levels and their impact on electoral turnout can be seen in the 2002 general election. For example, Starr County, with a median household income of $16,504, had a turnout of 22.6 percent of its registered voters. By contrast, Collin County, with a median income of $70,835, experienced a turnout of 40.36 percent of its registered voters.

Though far less important than education, gender and age also relate to voting behavior. In the United States, women are slightly more likely to vote than men. Young people (ages 18–25) have the lowest voter turnout of any

age group. The highest voter turnout is among middle-aged Americans (ages 40–64). Race and ethnicity also influence voting behavior. The turnout rate for African Americans is still substantially below that for Anglos. African Americans tend to be younger, less educated, and poorer than Anglos. Though Latino voter turnout rates in Texas are slightly below the state average in primaries and general elections, findings by scholars indicate that the gap is narrowing. Still, African Americans and Latinos in Texas vote at a rate that is approximately 65 percent of the state average.

Voting Early: In Person and by Mail Opportunities to vote early in Texas are limited to in-person **early voting**, voting by mail, facsimile machine voting (for military personnel and their dependents in combat zones), and electronic voting for astronauts on space flights.

Points to Ponder In 1997, the Texas Legislature enacted a provision allowing people on space flights to vote electronically from space on election day.

Texas law allows voters to vote "early"—that is, during a 17-day period preceding a scheduled election or first primary and for 10 days preceding a runoff primary. Early voting ends, however, 4 days prior to any election or primary. In less-populated rural counties, early voting is done at the courthouse; in more populous urban areas, the county clerk's office accommodates voters by maintaining branch offices for early voting. Polling places are generally open for early voting on weekdays during the regular business hours of the official responsible for conducting the election. If requested by 15 registered voters, polling places must also be opened on Saturday or Sunday.

Registered voters who qualify may vote by mail during an early voting period. Voting by mail has been available to elderly Texans and those with physical disabilities for decades. Today, anyone can vote by mail-in ballot who meets the following qualifications:

- Will not be in his or her county of residence during the entire early voting period and on election day
- Is at least 65
- Is or will be physically disabled on election day, including those who expect to be confined for childbirth on election day
- Is in jail (but not a convicted felon) during the early voting period and on election day
- Is in the military or a dependent of military personnel and has resided in Texas.[10]

Since early voting was first used in 1998, the percentage of early voters has consistently been about 20 percent in the general elections. Although

making voting easier, at least one study indicates that states with longer early voting periods have experienced a greater decline in voter turnout than states with more restrictive election laws.[11]

Electoral Politics

The electoral process includes the nomination and selection of candidates through primary, general, and special elections. Administering these elections is the responsibility of party, state, and county officials.

Primaries

Political parties conduct primary elections to select their nominees for public office. Among the states, party primaries are held every two years. Presidential primaries occur every four years and provide a means for Democrats and Republicans to select delegates to their parties' national conventions, where candidates for president and vice president are nominated. Other primaries occur every two years, when party members go to the polls to choose candidates for the U.S. Congress and for many state, district, and county offices.

Development of Direct Primaries A unique product of American political ingenuity, the **direct primary** was designed to provide a nominating method that would avoid domination by party bosses and allow wider participation by party members. This form of nomination permits party members to choose their candidates directly at the polls. For each office (except president and vice president of the United States and some local officials), party members select by popular vote the person they wish to represent their party in the **general election**, in which candidates of all parties compete. An absolute majority of the vote (more than 50 percent) is required for nomination. When Texas's first primary fails to produce such a majority, a **runoff primary** is held a month after the first primary to allow party members to choose a candidate from the first primary's top two vote-getters.

Four basic forms of the direct primary have evolved in America. Most states use some form of **closed primary**, which requires voters to declare a party affiliation when registering to vote. They must show party identification when voting in a primary election and can only vote in the party primary for which they are registered. Other states use an **open primary**, which does not require party identification of voters. At the polls, voters can choose a ballot for any party, regardless of their party affiliation.

A few states (Alaska, California, Washington) use a **nonpartisan blanket primary**. In this type of primary, all voters receive the same ballot, on which is printed the names of all political party nominees and **independent candidates**. Louisiana conducts a form of blanket primary, commonly referred to as a **jungle primary**. Here, there are no party primaries, and candidates from all par-



How Do We Compare . . . in Types of Primaries?

Most Populous U.S. States	Primary Type	U.S. States Bordering Texas	Primary Type
California	Blanket	Arkansas	Open
Florida	Closed	Louisiana	Jungle
New York	Closed	New Mexico	Closed
Texas	**Combination (open/closed)**	Oklahoma	Closed

ties run in a single election, which is actually the general election. If a candidate receives more than 50 percent of the vote, he or she is declared the winner. If no candidate receives more than 50 percent, the names of the top two vote-getters appear on the general election ballot 30 days later. This was the case with the reelection of U.S. senator Mary Landrieu, a Democrat who defeated Republican Suzanne Haik Terrell in 2002. Thus, regardless of party affiliation, the voter may vote for anyone seeking nomination.

A criticism of the open, blanket, and jungle primaries is that they give voters of one party an opportunity to sabotage the primary election of another party. This can occur when voters who normally affiliate with one party try to nominate a "fringe" candidate from the other with little chance of victory in the general election. This is especially true with the blanket and jungle primaries. Open primaries at least restrict voters to voting for candidates of the same party, but blanket and jungle primaries allow voters to choose any candidate from any party for any office. In 2000, the United States Supreme Court struck down California's blanket primary system, ruling that political parties in that state have a constitutional right to exclude nonparty members in primary elections.[12]

Texas Primaries Texas political parties have had the opportunity to conduct primary elections since the enactment of the Terrell Election Law of 1905. Prior to this act, various practices had been used to select a party's nominees for public office. The Texas Democratic Party has held primaries since 1905. The Republican Party did not begin conducting primary elections until 1926; and in 1996, for the first time in history, the Republican Party held a primary election in all 254 counties of the state.

Bonds of party loyalty in Texas loosen at general election time. Beginning in the early 1950s, it became common practice in Texas for persons to participate in the primaries of the Democratic Party and then legally cross over to vote for Republican candidates in the general election. **Crossover voting** is evidence of a long-term trend toward voter independence of traditional party ties. Historically, Texas Republicans were more likely to engage in crossover

voting. As the number of Republican candidates increased, there was a corresponding decline in the number of crossover Republican voters. Today, Democrats in Republican-dominated counties (such as Collin, Denton, Midland, Montgomery, Williamson) are more likely to participate in crossover voting.

Another effect of the strengthening of the Republican Party has been a decline in voter turnout in the primaries. In 2002, turnout of the voting-age population (VAP) in the Republican primary was slightly more than 4 percent. With its hotly contested races for United States senator and governor, the VAP turnout in the Democratic primary was about 6.6 percent. Some Texans believe that since the Lone Star State has become a two-party state, primaries are not as important as they once were. In earlier years, when Democratic candidates won most general elections, receiving the nomination in the primary meant that the Democratic nominee would be elected to office in November. As Democratic nominees are no longer assured election to office, the general election has become the more significant contest. However, primaries (especially the Republican primaries) could again increase in importance with the continued decline of the Democratic Party in Texas.

The Texas Election Code requires voters to identify their party affiliation at the time of voting, making Texas a combination of a closed primary state and an open primary state. Voter registration certificates are stamped with the party label when voters participate in a primary. Qualified voters may vote in the primary of any party, so long as they have not already voted in another party's primary or convention in the same year. All voters are notified of the restriction on voting on the primary ballot. It contains the following statement: "I am a Democrat (Republican) and understand that I am ineligible to vote or participate in another political party's primary election or convention during this voting year."[13] Violation of a party pledge is a misdemeanor offense punishable by a fine of $500.

Administering Primaries In most states, political parties sponsor and administer their own primaries. The Texas Election Code allocates the responsibility for conducting Texas primaries to each political party's county executive committee. Political parties whose gubernatorial candidate received 20 percent or more of the vote in the preceding general election must nominate all of their candidates in direct primaries. Scheduled in even-numbered years, the first primary and a runoff primary (if a runoff is needed) are held on the first Tuesdays in March and April, respectively. By 2000, a total of 26 other states conducted their presidential primaries earlier than Texas. As a result, by the date of the party primaries, George W. Bush and Al Gore were the only active candidates for president. Some Texans argue that too much time elapses between March primaries and the November general elections. They explain

that the electorate has little interest in early primaries and has lost all interest by November. In 2003, however, the legislature changed the primary dates from the second Tuesdays to the first Tuesdays in March and April.

Individuals who want to run in a direct primary for their party's nomination for a multicounty district or a statewide office must file the necessary papers with their party's state chair. That party official certifies the names of these persons to each county chair in counties in which the election is administered. Prospective candidates desiring to have their names placed on the primary ballot for a county or precinct office must file with the county chair of their party. County executive committees for each political party supervise the printing of primary ballots. If the parties conduct a joint primary, the county clerk administers the election, unless the county has an elections administrator. If each party conducts its own primaries, county chairs arrange for voting equipment and polling places in the precincts. With the approval of the county executive committee, the county chair obtains supplies and appoints a presiding judge of elections in each precinct. Together with the state executive committee, the county executive committee determines the order of names of candidates on the ballot and **canvasses** (that is, confirms and certifies) the vote tally for each candidate.

Financing Primaries Major expenses for administering party primaries include renting facilities for polls (the places where voting is conducted), printing ballots and other election materials, and paying election judges and clerks. In recent years, approximately 30 percent of the cost of holding Texas primaries has been covered by the collection of filing fees paid by candidates. For example, candidates for the office of U.S. senator pay $4,000, and candidates for governor and all other statewide offices pay $3,000. Candidates for the Texas Senate and the Texas House of Representatives pay $1,000 and $600, respectively.[14]

In lieu of paying a fee, a candidate may file a nominating petition containing a specified number of signatures of people eligible to vote for the office for which that candidate is running. A candidate for statewide office must obtain 5,000 signatures. Candidates for district, county, or precinct office and for offices of other political subdivisions must obtain either 500 signatures or the equivalent of 2 percent of the area's votes for all candidates for governor in the last general election, whichever is less. Although second (or runoff) primaries are usually less expensive, the average expenditure per voter is greater because voter turnout tends to be lower. In 2002, the cost of primaries was over $14 million and exceeded state appropriations. To save money, the Texas secretary of state issued a memo to all county chairs, suggesting cost-saving measures such as consolidating polling locations and conducting jointly administered primary elections.

Elections

A clear distinction must be made between general elections and party primaries. General elections determine which candidates will fill government offices. These electoral contests are public in nature and are conducted, financed, and administered by state and county governments. **Primary elections** are party functions that allow party members to select nominees to run against the candidates of opposing parties in a general election. This distinction is valid even though the U.S. Supreme Court has ruled that primaries are so necessary in the selection of general election candidates as to be subject to government regulation. Thus, even though the state regulates and largely finances primaries, they serve only as a means for political parties to nominate candidates. Also appearing on the general election ballot are the names of candidates who were nominated by party convention, because their political party was not required to select party nominees in a primary election; independent candidates; and write-in candidates.

General Elections Throughout the United States, the date prescribed by law for congressional elections is the first Tuesday following the first Monday in November of even-numbered years. Presidential elections take place on the same day in November every four years (for example, 2000 and 2004). In Texas, general elections for state, district, and county officials are held every even-numbered year (for example, 2002, 2004, and 2006). Many cities and special districts hold annual elections; others schedule elections in odd-numbered years only.

In Texas's general elections involving candidates for state, district, and county offices, the candidate who receives a plurality (the largest number of votes) in a contest is the winner. Thus, even if a majority is not obtained because of votes received by third-party or independent candidates, a runoff election is not held. Elections for governor and other statewide officers serving terms of four years are scheduled in the off year. These **off-year** or **midterm elections** are held in November of the even-numbered years between presidential elections (for example, 2002 and 2006). Along with most other states, Texas follows this schedule to minimize the influence of presidential campaigns on the election of state and local officials. Elections to fill offices for two-year or six-year terms must be conducted in both off years and presidential years.

Special Elections Early in 2003, **special elections** were called to fill vacancies in state House District 43 after the death of Rep. Irma Rangel (D-Kingsville) and in U.S. House District 19 after the resignation of Rep. Larry Combest (R-Lubbock). In addition to participating in special elections to fill such vacancies in U.S. congressional and state legislative offices, Texans vote in special elections to fill vacancies, approve proposed state constitutional amendments, act on local bond issues, and, occasionally, elect members of city

councils and school boards. If no candidate obtains a majority in a special election, a runoff contest between the top two contenders must be conducted to obtain a winner. Vacancies in state judicial and executive offices are filled by gubernatorial appointment until the next general election and do not require special elections.

Administering Elections

The Texas Constitution authorizes the legislature to provide for the administration of elections. State lawmakers, in turn, have made the secretary of state the chief election officer for Texas but have left most details of administering elections to county officials.

Voting Precincts The basic geographic area for conducting national, state, district, and county elections is the **voting precinct**. Each precinct contains between 100 and approximately 2,000 registered voters. Texas has more than 8,500 voting precincts, drawn by the 254 county commissioners courts (county judge and 4 commissioners). When a precinct's population exceeds a number prescribed by the Texas Election Code (3,000, 4,000, or 5,000, depending on the county's population), the commissioners court is compelled to draw new boundaries.[15] Citizens vote at polling places within their voting precincts or, if voting precincts have been combined for an election, at a polling place convenient to voters in each of the combined voting precincts. Municipal precincts must follow the boundary lines of county-designed voting precincts adjusted to city boundaries. Subject to this restriction, municipal and special-district voting precincts are designated by the governing body of each city and special district, respectively.

Election Officials Various county and political party officials participate in the administration of elections. The county clerk or elections administrator prepares general- and special-election ballots based on the certification of candidates by the appropriate authority (the secretary of state for state and district candidates and the county clerk or elections administrator for local candidates). The county election commission consists of the county judge, county clerk or elections administrator, sheriff, and chairs of the two major political parties. Commission responsibilities include selecting polling places, printing ballots, and providing supplies and voting equipment.

County commissioners courts appoint one **election judge** and one alternate judge, each from different political parties, to administer elections in each precinct for a maximum term of two years. Furthermore, each county's commissioners court canvasses and certifies election results. Each election judge selects as many clerks as will be needed to assist in conducting general and special elections in a precinct. Clerks must be selected from different political parties. In city elections, the city secretary appoints election judges.

Voting Systems In general elections, Texas uses five voting systems: paper ballot, manually operated voting machine, optical scan (like Scantrons), punch-card, and direct-record electronic (or touchscreen). In every county, the county commissioners court determines which system will be used. Each has advantages and disadvantages with regard to such matters as ballot and equipment costs, ease of use by voters, accuracy of counting, labor cost, and time required to count the votes. For example, paper ballots are relatively cheap and easy to use, but counting is a slow, laborious, and error-prone process. Some sparsely populated counties continue to use paper ballots, which must be counted by hand. Voting machines and some optical scan and direct-recording electronic voting systems automatically count each vote as the ballot is cast. Punch-card devices and some optical scan systems are electronically counted on delivery to the county clerk's office after the polls close. Purchase and storage of mechanical and electronic voting equipment are expensive, but the use of such equipment can reduce the cost of conducting elections when many voters are involved.

After the controversial 2000 presidential election, in which the state of Florida and the U.S. Supreme Court questioned the accuracy of punch-card ballots, both federal and state elected officials evaluated different voting systems. A study conducted by the Office of the Secretary of State of Texas revealed that the 14 Texas counties (including Harris County [Houston]) that used punch-card ballots had much higher overvotes (in which voters selected more than one candidate for the same office) and undervotes (in which voters did not clearly select any candidate for a specific office) than counties using any other balloting method.[16] In testimony before the House Elections Committee, Secretary of State Henry Cuellar emphasized the need to replace punch-card ballots with more accurate equipment but urged caution in abandoning the system quickly. Although legislators and Secretary of State Cuellar preferred prohibiting the use of punch-card ballots, the issue of replacement cost was a factor. Harris County estimated the cost of replacing its punch-card ballot equipment at $20 million. Balancing cost and the need for more accurate voting systems, the Texas Legislature required counties to phase out the punch-card equipment. No new punch-card machines could be purchased after September 2001, except for early-voting purposes. Further, chads (the small pieces of paper that are punched out of the ballot) must be removed before each election.

On machine and punch-card ballot forms, first is a list of parties for straight-party-ticket voting, followed by lists of candidates for national, state, district, and local offices, in that order. (Figure 4.1 shows a sample machine ballot used in presidential election year 2002.) Punch-card ballots have space for names of write-in candidates on a detachable portion of the ballot card. A list of all write-in candidates who have filed an appropriate declaration is posted in each polling place on the day of election. The name of one of these candidates may be "written in" to indicate the voter's selection in the appropriate contest.

GENERAL AND SPECIAL ELECTIONS
ELECCIONES GENERAL Y ESPECIAL
HARRIS COUNTY, TEXAS
CONDADO DE HARRIS, TEXAS
November 05, 2002 - *05 Noviembre 2002*

Straight Party
Votar por Todos los Candidatos de un Solo Partido Politico
- ☐ Republican Party *Partido Republicano*
- ☐ Democratic Party *Partido Democrático*
- ☐ Libertarian Party *Partido Libertariano*
- ☐ Green Party *Partido Verde*

United States Senator
Senador de los Estados Unidos
- ☐ John Cornyn *REP*
- ☐ Ron Kirk *DEM*
- ☐ Scott Lanier Jameson *LIB*
- ☐ Roy H. Williams *GRN*
- ☐ Write-In *Voto Escrito*

United States Representative, District 7
Representante de los Estados Unidos, Distrito Núm. 7
- ☐ John Culberson *REP*
- ☐ Drew Parks *LIB*
- ☐ Write-In *Voto Escrito*

United States Representative, District 8
Representante de los Estados Unidos, Distrito Núm. 8
- ☐ Kevin Brady *REP*
- ☐ Gil Guillory *LIB*

United States Representative, District 9
Representante de los Estados Unidos, Distrito Núm. 9
- ☐ Paul Williams *REP*
- ☐ Nick Lampson *DEM*
- ☐ Dean L. Tucker *LIB*

United States Representative, District 18
Representante de los Estados Unidos, Distrito Núm. 18
- ☐ Phillip J. Abbott *REP*
- ☐ Sheila Jackson Lee *DEM*
- ☐ Brent Sullivan *LIB*

United States Representative, District 22
Representante de los Estados Unidos, Distrito Núm. 22
- ☐ Tom DeLay *REP*
- ☐ Tim Riley *DEM*
- ☐ Gerald W. "Jerry" LeFleur *LIB*
- ☐ Joel West *GRN*

United States Representative, District 25
Representante de los Estados Unidos, Distrito Núm. 25
- ☐ Tom Reiser *REP*
- ☐ Chris Bell *DEM*
- ☐ Guy McLendon *LIB*
- ☐ George Reiter *GRN*

United States Representative, District 29
Representante de los Estados Unidos, Distrito Núm. 29
- ☐ Gene Green *DEM*
- ☐ Paul Hansen *LIB*

United States Representative, District 31
Representante de los Estados Unidos, Distrito Núm. 31
- ☐ John R. Carter *REP*
- ☐ David Bagley *DEM*
- ☐ Clark Simmons *LIB*
- ☐ John S. Peterson *GRN*
- ☐ R.C. Crawford *IND*

Governor
Gobernador
- ☐ Rick Perry *REP*
- ☐ Tony Sanchez *DEM*
- ☐ Jeff Daiell *LIB*
- ☐ Rahul Mahajan *GRN*
- ☐ Write-In *Voto Escrito*

Lieutenant Governor
Gobernador Teniente
- ☐ David Dewhurst *REP*
- ☐ John Sharp *DEM*
- ☐ Mark David Gessner *LIB*
- ☐ Nathalie Paravicini *GRN*

Attorney General
Procurador General
- ☐ Greg Abbott *REP*
- ☐ Kirk Watson *DEM*
- ☐ Jon Roland *LIB*
- ☐ David Keith Cobb *GRN*

Comptroller of Public Accounts
Contralor de Cuentas Públicas
- ☐ Carole Keeton Rylander *REP*
- ☐ Marty Akins *DEM*
- ☐ Bowie Ibarra *LIB*
- ☐ Ruben L. Reyes *GRN*

Comptroller of the General Land Office
Comisionado de la Oficina General de Terrenos
- ☐ Jerry Patterson *REP*
- ☐ David Bernsen *DEM*
- ☐ Barbara A. Hernandez *LIB*
- ☐ Michael B. McInerney *GRN*

Commissioner of Agriculture
Comisionado de Agricultura
- ☐ Susan Combs *REP*
- ☐ Tom Ramsay *DEM*
- ☐ Vincent J. May *LIB*
- ☐ Jane Woodward Elioseff *GRN*

Railroad Commissioner
Comisionado de Ferrocarriles
- ☐ Michael L. Williams *REP*
- ☐ Sherry Boyles *DEM*
- ☐ Nazirite R. Flores Perez *LIB*
- ☐ Charles L. Mauch *GRN*

Chief Justice, Supreme Court
Juez Presidente, Corte Suprema
- ☐ Tom Phillips *REP*
- ☐ Richard G. Baker *DEM*
- ☐ Eugene J. Flynn *LIB*

Figure 4.1 Sample Portion of Election Ballot for Harris County, Texas, 2002

In some instances, candidates for nomination or election to an office may request a recount of ballots if they believe vote tabulations are inaccurate. Texas law is specific on how election officials determine a voter's intent if a punch-card ballot was used, but not punched through. Only one recount is allowed.[17] The Texas Election Code also provides detailed procedures for settling disputed elections. Since the 1960s, several changes in voting procedures have been made to encourage full, informed participation in elections.

As previously mentioned, as a result of the 1975 extension of the Voting Rights Act, registration and election materials used in all counties must be printed in both English and Spanish. Also, Texas voters can take voting guides, newspaper endorsements, and other printed material into the voting booth. In 1999, the Texas Legislature passed a series of laws ensuring disabled voters access to polling places and the ability to cast a secret ballot.

Party Structure

Although neither the U.S. Constitution nor the Texas Constitution mentions political parties, these organizations are an integral part of the American governmental process. A **political party** can be defined as a combination of people and interests whose primary purpose is to gain control of government by winning elections. They are a form of interest group (discussed in depth in the chapter "The Politics of Interest Groups"). Whereas interest groups try to influence policy, political parties attempt to control government. They are complex, loosely regulated organizations, chiefly concerned with the recruitment, nomination, and election of individuals to governmental office. In Texas, as throughout the United States, the Democratic and Republican parties are the two leading political parties. State election laws have contributed to the continuity of the two-party system. These laws specify that a general election is won by the candidate who receives the largest number of votes (a plurality) without a runoff. Third-party candidates have little chance of winning an election by defeating the two major-party nominees.

American political parties exist on four levels: national, state, county, and precinct. In part, this is in response to the federal organization of government in the United States. Whereas a corporation is organized as a hierarchy, with a direct chain of command and each level directly accountable to the level above it, a political party is organized as a "**stratarchy,**" wherein power is diffused among and within levels of the party organization.[18] Each major party is loosely organized so that state and local party organizations are free to decide their positions on party issues. State- and local-level organizations operate within their own spheres of influence, separate from one another. While these levels of the two major parties are encouraged to support national party policies, this effort is not always successful. As mandated by the Texas Election Code, Texas's two major parties are alike in structure. Each has permanent and temporary organizational structures. (See Figure 4.2.)

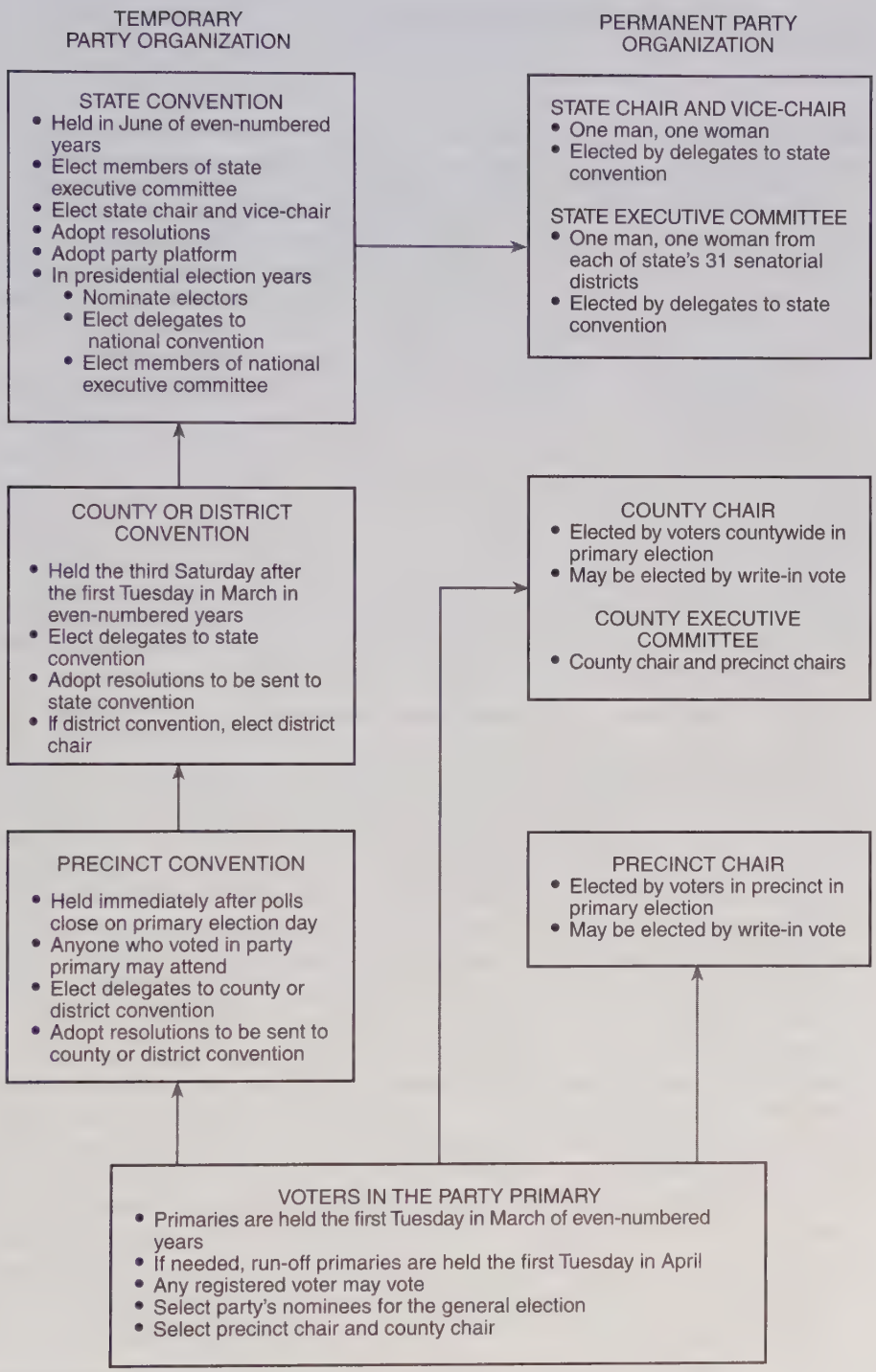


Figure 4.2 Texas Political Party Organization

Temporary Party Organization

The **temporary party organization** consists of primaries and conventions in which party members of the major political parties select their candidates for public office. State-level party officers are elected at conventions. Primary election voting periods may also include runoff voting. Conventions are scheduled at the precinct level, the county and state senatorial district level, and the state level. Each lasts for only a limited amount of time: from less than an hour to one or two days. These events are temporary because they are not ongoing party activities.

Conventions are used at the state level to select party leaders who are chosen by delegates elected at the local level. Rules of the state Democratic and Republican parties mandate that party policy be determined at their conventions. This is done by passing resolutions, which occurs at both local and state conventions, and adopting a platform at the state conventions. A party's **platform** is a document that sets forth the party's position on current issues. In presidential election years, conventions on all levels are used to select delegates who attend a party's national convention. Here candidates are chosen for president and vice president of the United States. All Texas political conventions must be open to the media, according to state law.

Precinct Conventions In Texas, **precinct conventions** are conducted every even-numbered year on the second Tuesday in March, which is the first primary day. At the lowest level of temporary party organization, these conventions (both Democratic and Republican) assemble in almost all of the state's voting precincts. Precinct conventions start immediately after the polls close that evening and last approximately 30 minutes to two hours. Usually precinct conventions are sparsely attended. By state law, any individual who voted in the party primary is permitted to attend and participate in that party's precinct convention as a delegate. Delegates will elect a chairperson to preside over the convention and a secretary to record the proceedings. The main business of the precinct convention is to elect delegates to the county or district convention. Under long-standing rules of both the Democratic and Republican parties, precinct conventions have been authorized to elect one delegate to the county (or district) convention for every 25 votes cast in the precinct for the party's gubernatorial nominee in the last general election. Faced with decreasing participation at their conventions, however the Texas Democratic Party in 2000 and 2002 lowered this number to 15. Delegates to a party's precinct convention are allowed to submit and debate resolutions. These resolutions express the positions of precinct convention participants on any number of issues, ranging from immigration to abortion to the national debt. If adopted, a resolution will be submitted to a county or district convention for consideration.

County and District Conventions State law requires that **county** and **district conventions** occur 11 days after the precinct conventions. These conventions are always held on a Saturday and usually last three or more hours. District

conventions, rather than a single-county convention, are held in heavily populated counties (such as Harris, Dallas, and Bexar) that have more than one state senatorial district. Delegates to a party's county or district convention will elect a chairperson to preside over the convention and a secretary to record the proceedings. The main business of county and district conventions is to elect delegates to the state convention. Under party rules for the Republican Party, county and district conventions may select one delegate to the state convention for every 300 votes cast in the county or district for the party's gubernatorial nominee in the last general election. Since 2000, Democrats select one delegate for each 180 gubernatorial votes cast. Under Republican Party rules, all delegate candidates are submitted by the county or district convention's committee on nominations for approval by the county or district convention participants. Rules of the Democratic Party allow state delegates to be selected by precinct delegations. If all state delegate positions are not filled in this manner, the remaining state delegates are proposed by the county or district convention's nominations committee, subject to selection by the county or district convention delegates. Resolutions submitted from the party's precinct conventions will be considered by county and district convention delegates. The resolutions that are adopted at this level will be submitted to the party's state convention for its consideration.

State Conventions In June of even-numbered years, each Texas political party must hold a biennial **state convention** to conduct party business. State conventions occur over a two-day period. Delegates to a party's state convention will elect a chairperson to preside over the convention and a secretary to record the proceedings. Additionally, delegates will conduct the following tasks:

- Certify to the secretary of state the names of party members nominated in the March and April primaries for Texas elective offices (or by convention if no primary was held)
- Write the rules that will govern the party
- Draft and adopt a party platform
- Adopt resolutions regarding issues that are too specific to be included in the party platform
- Select members of the party's state executive committee

In presidential election years, the June convention delegates also perform the following three functions:

- Elect delegates to the national presidential nominating convention (the total number for Texas is calculated under national party rules)
- Elect members from Texas to serve on the party's national committee
- Elect a slate of potential presidential electors to cast Texas's electoral votes if the party's ticket wins a plurality of the state's popular presidential vote

For the 2004 and 2008 presidential elections, Texas is allowed 34 electoral votes. A state's electoral college vote is equal to the number of its members in the U.S. Congress (for Texas, 32 representatives and 2 senators).

Selection of National Convention Delegates

Selection of delegates to a national party convention is based on their support for particular candidates for the party's presidential nomination. In a **presidential preference primary**, rank-and-file party members are permitted to vote directly for the presidential candidates of their choice. In states where primaries are used, voting is by precinct. Delegates to the party's national convention are chosen according to the results of the primary vote. At the respective national conventions, the parties' candidates for president and vice president are nominated.

The **caucus** is another plan used in many states to select delegates to a national convention. Party members assemble in caucuses at the respective precinct, county, and state levels. Here they choose national convention delegates who either are pledged to support a particular presidential candidate or are uncommitted.

Democratic Selection Texas Democrats combine the two delegate-selection plans and therefore have a primary-caucus plan. At each of the conventions in presidential years, participants must identify their presidential preferences. Individuals may indicate they are uncommitted and do not want to pledge their support to any candidate. Presidential candidates are awarded delegates to local and state conventions in proportion to the number of their supporters in attendance. In 2000, Al Gore won an overwhelming support of the 231 Texas delegates to the national Democratic convention. National delegates include those selected by state senatorial district, those selected on an at-large basis, and **superdelegates** (unpledged party and elected officials).

Republican Selection The Republican Party selects national delegates based on the results of the presidential preference primary. Some Republican delegates are chosen by congressional district caucuses (three from each district in 2000), and others are chosen on an at-large basis by the entire convention. Any presidential candidate who wins 50 percent or more of the popular vote in the primary in a particular congressional district or statewide is entitled to all of the district or at-large delegates, respectively. A nominating committee selects all at-large delegates. State convention delegates approve all national delegates. George W. Bush won all 124 delegates in 2000.

Permanent Party Organization

Each major political party in the United States consists of thousands of virtually autonomous executive committees at local, state, and national levels. For

both Democrats and Republicans, these executive committees nationwide are linked only nominally. At the highest level, each party has a national committee. In Texas, the precinct chairs, together with the county, district, and state executive committees, comprise the permanent organization of the state parties. The role of the **permanent party organization** is to recruit candidates, devise strategies, raise funds, distribute candidate literature and information, register voters, and turn out voters on election day.

Precinct Chair The basic party official in both the temporary and permanent party structures in Texas is the **precinct chair**, who is elected by precinct voters in the party primaries for a term of two years. Duties and responsibilities of a party's precinct chair include registering and canvassing voters within the precinct, distributing candidate literature and information, operating phone banks within the precinct on behalf of the party and its candidates, and getting people to the polls. If both parties are evenly matched in strength at the polls, the precinct chairs become more vital in getting people out to vote. A precinct chair is an unpaid party official who also arranges for the precinct convention and serves on the county executive committee. Many of these positions often go unfilled in more populous counties that have one hundred or more precincts.

County and District Executive Committees A **county executive committee,** composed of all the precinct chairs and the county chair, elected on a countywide basis by party members in the primaries, head each party organization at the county level. County executive committees conduct primaries and arrange for county conventions. At the local level, the **county chair** is the key party official. He or she serves as the party's chief strategist within that county. Duties of the county chair include recruiting local candidates for office, raising funds, establishing and staffing the party's campaign headquarters within the county, and serving as the local spokesperson for the party. The Texas Election Code also provides for a **district executive committee** composed of the county chairs from each county in a given district (senatorial, representative, or judicial). District executive committees rarely meet except to nominate candidates to fill a district vacancy when one occurs.

State Executive Committee For each major political party, the highest permanent party organization of the state is the **state executive committee.** As mandated by state law, an executive committee is composed of one man and one woman from each of the 31 state senatorial districts, plus a chair and a vice chair, one of whom must be a woman. For both the Democratic and Republican parties, a state executive committee with 64 members is elected at the party's state convention. On that occasion, delegates from each of the 31 senatorial districts choose two members from their district and place these names before the convention for its approval. At the same time, the chair and vice chair are chosen at large by convention delegates. In addition to the 64

statutory members of the party's state executive committee, party rules may allow "add-on" members. An add-on member may represent recognized statewide auxiliary organizations within the party (for example, women's groups, racial groups, House and Senate caucus chairs, youth groups, and county chairs associations).

The party's state chair works with the party's state executive committee to recruit candidates for statewide and district offices, plan statewide strategies, and raise funds for the party at the state level. Additionally, the state executive committee of each party must canvass statewide primary returns and certify the nomination of party candidates. It also conducts the state convention, seeks to promote party unity and strength, maintains relations with the party's national committee, and raises some campaign money for party candidates (although most campaign funds are raised by the candidates themselves).

Political Democracy

Today's politics in the Lone Star State reflects Texas's political history. Traditions based on centuries of political experience and culture influence current attitudes toward parties, candidates, and issues. Nevertheless, Texans' changing demands and expectations have forced revisions in party platforms and affected the campaigns of candidates for public office. Political parties cannot remain static and survive, nor can politicians win elections unless they are in step with the opinions of the voting majority. Increasing competition between Texas's Democratic and Republican parties has brought more women, Latinos, and African Americans into the state's political system. As a result of this competitiveness, party politics has become more democratic and more nationalized. Compared with the politics of earlier years, Texas politics today is more partisan (party centered). But internal feuding (factionalism) among competing groups exists within both the Democratic and Republican parties.

Ideology

Since the 1930s, the terms *liberal* and *conservative* have meant more to many Texas voters than the names of political parties. In view of long-standing ideological differences between liberals and conservatives, this terminology must be explained. These ideological labels almost defy definition, however, because meanings change with time and circumstances. Furthermore, each label has varying shades of meaning for different people. In Texas, because of the influences of the individualistic and traditionalistic cultures, both Democrats and Republicans tend to be conservative. But the Republican Party organization is dominated by right-wing conservatives, whereas the Democratic Party is influenced (but not dominated) by left-wing liberals. Despite the use of right-left terminology throughout the United States, the Texas Legislature has

not traditionally used partisan or ideological criteria for assigning floor seats on the right and left sides of House and Senate chambers.

Conservatism In its purest form, modern conservative doctrine envisions ideal social and economic orders that would be largely untouched by government. According to this philosophy, if all individuals were left alone (the doctrine of **laissez-faire**) to pursue their self-interests, both social and economic systems would benefit and the cost of government would be low. **Conservatives**, therefore, are generally opposed to government-managed or government-subsidized programs such as assistance to poor families with dependent children, unemployment insurance, and federal price support programs for the benefit of farmers producing commodities such as cotton and wheat. Today's fiscal conservatives give the highest priority to reduced taxing and spending; on the other hand, social conservatives (such as those associated with the Christian Coalition) stress the importance of their family values, including opposition to abortion and homosexuality. They support **school vouchers** to provide government-funded assistance to parents who choose to send their children to private schools, especially church-affiliated schools. (For a detailed discussion of the impact conservatives had on the 2002 Republican state convention, see Reading 4.1, "Elephant Wars.")

Attempting to distance himself from more extreme conservative Republicans, President George W. Bush used the phrase "compassionate conservatism" to describe his political philosophy when he ran for governor of Texas in 1998 and for the presidency in 2000. Bush insists that he is "a conservative who puts a compassionate face on a conservative philosophy."[19] His ideology is sometimes described as **neoconservatism** because he is fiscally conservative but does allow for a limited governmental role in solving social problems.

Liberalism **Liberals** favor government regulation of the economy to achieve a more equitable distribution of wealth. Only government, liberals insist, is capable of guarding against pollution of air, water, and soil by corporations and individuals. Liberals claim that government is obligated to aid the unemployed, alleviate poverty (especially for the benefit of children), and guarantee equal rights for minorities and women. Liberalism seeks a limited role for government involvement with regard to other social issues, especially those related to issues of morality or religion. Liberals are more likely to oppose mandatory prayer in public schools, government subsidies for religious institutions, and any church involvement in secular politics. Many Texas Democrats have a **neoliberal** ideology. This position incorporates a philosophy of less government regulation of business and the economy while adopting a more liberal view of greater government involvement in social programs.

Both Texas liberals and conservatives are often ideologically inconsistent. A conservative may oppose government subsidies, such as welfare assistance for individuals, but support similar payments to corporations. Liberals may

support pollution control laws for corporations but oppose antipollution measures that require installation of emission control devices for their own automobiles. Frequently, individuals who have extreme conservative or liberal ideologies accuse moderates of being ideologically inconsistent.

An Overview of Texas Political History

From the time that political parties developed in Texas until the 1960s, the Lone Star State was dominated primarily by one political party: the Democratic Party. In the 1970s and 1980s, Texas moved toward a competitive two-party structure. However, by the 1990s and into the twenty-first century it appears that the state is becoming a one-party state again, with the Republican Party in control.

1840s–1870s: The Origin of the Party System Prior to the admission of Texas into the union in 1845, its political parties had not fully developed. Political factions during the years that Texas was an independent republic tended to coalesce around personalities. The two dominant factions were the pro–(Sam) Houston and anti-Houston groups. Even after the Lone Star State's admission into the Union, these two factions remained. By the 1850s, the pro-Houston faction began referring to itself as the Jackson Democrats (unionists), whereas the anti-Houston faction called themselves the Calhoun Democrats (after South Carolina senator John C. Calhoun, a states' rights and proslavery advocate). In the course of the Civil War, Texas politics became firmly aligned with the Democratic Party.

During the period of Reconstruction that followed the Civil War (1865–1873), the Republican Party controlled Texas politics. The Reconstruction acts passed by the United States Congress purged all officeholders with a Confederate past. Congress also disenfranchised all Southerners who had ever held a state or federal office before secession and later supported the Confederacy. In Texas, any man who had ever been a mayor, a school trustee, a clerk, or even a public weigher was denied the right to vote.[20] Republican governor Edmund J. Davis was elected in 1869 during this period of Radical Reconstruction. The Davis administration quickly became the most unpopular in Texas history. During his tenure in office, Davis took control of voter registration and appointed over 8,000 public officials. From the Texas Supreme Court justices to the state police to city officials, Davis placed Republicans in office throughout the state. Davis's administration is best remembered for its corruption, graft, and excessive taxation. Following Davis's defeat for reelection in 1873 by a newly enfranchised electorate, Texas voters did not elect another Republican governor for more than one hundred years.

1870s–1970s: A Dominant One-Party System From the end of Reconstruction until the 1970s, Texas and other former Confederate states had a one-

party identity that featured a strong Democratic Party and a weak Republican Party. During those years, Democratic candidates won 52 consecutive gubernatorial elections, and Democratic nominees carried the state in all but 3 of the 25 presidential elections. From 1872 to 1952, the only Republican presidential nominee to carry the Lone Star State was Herbert Hoover in 1932. His Democratic opponent, Al Smith, was a Catholic from New York and an opponent of Prohibition. Anti-Catholic sentiments and defense of the ban on manufacturing and sale of alcoholic beverages ran strong throughout the South. Smith's religion was the decisive factor for many Texas voters, and Hoover carried the state by less than 3 percent. Four years later, with the speaker of the U.S. House of Representatives, Texan John Nance "Cactus Jack" Garner, as his vice-presidential running mate, Franklin D. Roosevelt easily carried Texas.

During the latter part of the nineteenth century, Democrats faced a greater challenge from the Populist Party than they did from Republicans. The **Populist** (or People's) **Party** was formed in Texas as an agrarian-based party. Over the next ten years, Populists won local elections throughout the state. From 1892 to 1898, their gubernatorial nominees received more votes than did Republicans. Although the Populist philosophy continued to be influential, the party declined in importance after 1898. Farmers remained active in politics, but most of them returned to the Democratic Party, which adopted Populist issues such as government regulation of industries.[21]

In the early part of the twentieth century, the Democratic Party strengthened its control over state politics. Having adopted Populist issues, Democratic candidates faced no opposition from Populist candidates. Over the next five decades, two factions emerged within the Democratic Party: the conservative Democrats and the liberal Democrats. Fighting between these two factions was often as fierce as between two separate political parties. By the late 1940s and early 1950s, Republican presidential candidates began enjoying greater support from the Texas electorate. With the backing of conservative Democratic governor Alan Shivers, Republican presidential nominee Dwight D. Eisenhower successfully carried Texas in 1952 and 1956. In order to bolster support for Eisenhower, Shivers secured both the Democratic and Republican nominations for governor. Supporters of Governor Shivers began referring to themselves as "Shivercrats."

Points to Ponder

In the gubernatorial election of 1952, Democratic nominee Alan Shivers received more votes than did Republican nominee Alan Shivers by a three-to-one margin.

Evidence of the growing strength of the Texas GOP (Grand Old Party, a nickname that the Republican Party adopted in the 1870s) was sharply revealed in 1961 with the election to the U.S. Senate of Texas Republican John Tower, a political science professor at Midwestern State University in Wichita

Falls. Originally elected to fill the vacancy created when Lyndon Johnson left the Senate to become vice president, Tower became the first Republican to win statewide office in Texas since 1869 and won successive elections until his retirement in 1984.

1970s–1990s: An Emerging Two-Party System By the 1970s Texas was emerging as a two-party state. Beginning in the late 1940s, a majority of conservative Democrats began to support the national Republican ticket. However, at the local level, the Democratic Party remained firmly in control. Now the Republican Party was enjoying greater electoral support at the local level as well. The split between conservative and liberal Democrats could no longer assure that the winner of the Democratic primary would automatically win the general election contest in November. When liberal John Hill defeated conservative incumbent Dolph Briscoe for the gubernatorial nomination in 1978, most Briscoe supporters threw their support to Republican nominee Bill Clements. The conservative Briscoe supporters, along with the recent influx of Republican voters from other states, allowed Clements to defeat Hill by a margin of less than 1 percent and become the first Republican elected governor of Texas since Reconstruction. Four years later, Clements was unseated by Democrat Mark White. In 1986, however, many conservative Democrats, former Democrats who had turned Republican, and independents helped Texas Republicans elect Clements to a second term. In the 1970s and 1980s, the Republican Party elected more candidates to the U.S. Congress, the Texas Legislature, and county courthouse offices as they began to dominate local politics in suburban areas around the state.

The Republican Party continued to make substantial gains throughout the 1990s. With the Republican victory of U.S. senatorial candidate Kay Bailey Hutchison in the 1993 special election, the Republican Party began a series of "firsts." Hutchison's victory included two firsts. She was the first woman to represent Texas in the U.S. Senate, and, for the first time in modern history, Texas was represented by two Republican senators (Hutchison and Senator Phil Gramm, first elected in 1984). The elections of 1994 were but a preview of future elections. Elected governor in 1990, Democrat Ann Richards was unable to win reelection despite her personal popularity. Republican George W. Bush (who received more than 53 percent of the vote and strong support from Anglo and suburban voters) won the governorship. Senator Hutchison easily defeated her Democratic opponent. Democrats holding four executive offices (lieutenant governor, attorney general, comptroller of public accounts, and commissioner of the general Land Office) defeated their Republican challengers. However, Republican incumbent agriculture commissioner Rick Perry had a 1 million vote margin of victory over his Democratic opponent, and all six Republican statewide candidates below him on the ballot won. These victories gave Republicans two Railroad Commission members, two more

Supreme Court justices, and two more Court of Criminal Appeals judges. Republicans also won many lower-level judgeships. For the first time, they gained control of the 15-member State Board of Education. Active support by members of the Christian Coalition resulted in Republican victories in three of the six contested races for seats on this board.

In 1996, for the first time since the primary system was established, Republican primaries were conducted in all 254 Texas counties. More of the Lone Star State's voters participated in the Republican primary than the Democratic primary. In addition, Republican victories continued in the general election of that year, as all statewide Republican candidates won. Thus Republicans now held all three positions on the Texas Railroad Commission and gained three more Court of Criminal Appeals judgeships and four more positions on the Texas Supreme Court. Republican presidential candidate Bob Dole carried the state over President Bill Clinton. The 1992 election had made Clinton the first Democratic president elected without carrying Texas. By 1996, he was certain that he could be elected without Texas's electoral votes, so he focused his campaign effort on closely contested states where he was more likely to win. This decision demonstrates the acceptance by national Democratic candidates that Texas is a Republican state and no longer necessary for a Democratic presidential victory.

The 1998 elections gave Republicans control of all statewide offices but one. When Texas Supreme Court justice Raul Gonzalez, the lone Democrat in statewide office, announced his retirement in December 1998, the Republican sweep was complete. In 1998, Governor Bush was so popular that he received endorsements from more than 100 elected Democratic officials and almost 70 percent of the vote in the gubernatorial election. With the prospect of a Bush presidential bid in 2000 seeming more likely, Republican lieutenant gubernatorial nominee Rick Perry campaigned on the issue that a Republican needed to succeed Bush in office if he resigned to become president. The only electoral contests in which Democratic candidates were competitive were those for lieutenant governor (Rick Perry, 51 percent, and John Sharp, 48 percent of the vote) and comptroller (Carole Keeton Rylander, 49.5 percent, and Paul Hobby, 48.9 percent of the vote). Republicans John Cornyn, David Dewhurst, and Susan Combs each won their elections for attorney general, general land commissioner, and agriculture commissioner, respectively. Former secretary of state Tony Garza, a Republican from South Texas, was elected to the Texas Railroad Commission. Some Democrats identified the Latino Republican as the greatest threat to their party's candidates in future elections because of his ability to attract Latino and Democratic voters.

In 1998, Republicans won all statewide judicial positions and retained control of the Texas Senate. Although they increased their representation in the Texas House of Representatives, Republicans did not gain control of that chamber.

2000–2003: Republican Dominance By 2000, Texas Republicans were focusing their attention on national elections. Governor Bush's ability to maintain the support of social conservatives within his party while at the same time gaining support from minority voters, women, and Democrats enhanced his candidacy for the presidency. National Republican leaders seeking an electable candidate found Bush's 1998 gubernatorial victory and his inclusive strategy appealing. Although Bush did not announce that he would seek the Republican presidential nomination until after the Texas Legislature completed its 1999 regular session, Republican leaders streamed to Austin during the session. More than one-fourth of Texas Democrats told pollsters they would vote for Bush for president.

In the closest presidential election of modern times, Governor Bush defeated Democratic nominee Al Gore by four electoral votes (271 to 267). After controversial recounts and protracted court battles over Florida's 25 electoral votes, George W. Bush was ultimately declared the victor in mid-December 2000. In the Lone Star State, Bush received 3,795,262 votes (59.3 percent) to Gore's 2,428,187 votes (37.7 percent), giving Bush Texas's 32 electoral votes. For the third straight election, all statewide Republican candidates won, including U.S. senator Kay Bailey Hutchison, who became the first candidate in Texas history to receive more than 4 million votes. Her opponent, Gene Kelley, was a perennial candidate who had won the Democratic nomination in a five-person primary because he shared the name of a famous dancer. Democrats did not even have candidates in most statewide contests or in many local races. In fact, the Libertarian Party and Green Party each had more candidates for statewide office than the Democratic Party in 2000. Of the nine statewide offices up for election in 2000, the Democratic Party fielded candidates in only three contests. By contrast, the Libertarian Party ran candidates in seven of the nine races, and the Green Party had candidates in five races.

After the dismal performance of Democratic candidates in the 1998 elections, Texas Republican chair Susan Weddington advised Democrats to "turn out the lights, [because] the Democrat[ic] party [was] definitely over." As early as 2000, potential gubernatorial candidates began to solicit campaign contributions for the 2002 election. Governor Rick Perry established the Century Council. To belong, donors pledged to donate or raise $100,000 each for Perry for the 2002 campaign.[22] Although Republican senator Hutchison expressed interest in running for governor, she withdrew from consideration in early 2001. Hutchison's withdrawal left Governor Perry without substantial opposition for his party's nomination. Some Democrats encouraged Tony Sanchez, a Laredo businessman with a fortune of more than $600 million and a strong supporter of George W. Bush, to seek the office. Sanchez, a political newcomer, brought two major assets to the campaign: a Latino surname and an ability to fund more than $50 million from his own resources for the gubernatorial campaign. Initially former University of Texas quarterback Marty

Akins Jr. indicated his interest in running for the Democratic gubernatorial nomination. But hoping for a "fight-free" primary, Democratic Party leaders convinced Akins to seek the position of Texas comptroller of public accounts instead. Less than an hour before the deadline to file for the primary election, former Democratic attorney general Dan Morales jumped into the gubernatorial race, dropping his previously announced plans to run for the U.S. Senate. Morales's entry provided for a contentious primary, setting the stage for an equally bitter general election. Sanchez defeated Morales for the Democratic nomination.

In September 2001, Phil Gramm announced his retirement from the U.S. Senate. Following Gramm's announcement, Texas Attorney General John Cornyn threw his hat into the ring for the Republican nomination. Several Democrats also filed for Gramm's Senate seat. Democrats had a multicandidate primary involving Dallas mayor Ron Kirk, Houston congressman Ken Bentsen, Austin lawyer Ed Cunningham, and perennial candidates Gene Kelley and Victor Morales. After none of the contestants received a majority in the first primary, Ron Kirk defeated Victor Morales in a runoff for the Democratic nomination.

With Sanchez's and Kirk's primary victories in 2002, the Democratic ticket was dubbed the "dream team." Combined with former state comptroller John Sharp as the party's nominee for lieutenant governor along with a full slate of candidates for other statewide offices (including popular Austin mayor Kirk Watson, state senator David Bernsen, and state representative Tom Ramsay), Texas Democrats presented their strongest field of candidates in 20 years. Many political analysts believed that the multiracial Democratic ticket would significantly increase minority turnout and help Democrats reclaim several statewide offices. However, on election night, the dream quickly turned into a nightmare as Republican candidates swept all statewide races.

Perry easily defeated Sanchez by 58.7 percent to 39.4 percent, and Cornyn defeated Kirk by 55.3 percent to 43.3 percent. Three Republican incumbents (Comptroller of Public Accounts Carole Keeton Rylander, Agriculture Commissioner Susan Combs, and Railroad Commissioner Michael Williams) retained their positions by comfortable margins over their Democratic opponents, and former Republican state senator Jerry Patterson easily defeated former Democratic state senator David Bernsen for commissioner of the General Land Office. In a race that seemed to center around "law suit abuse," Texas Supreme Court Justice Greg Abbott, a Republican, defeated Kirk Watson, a Democrat, for the position of Texas attorney general. In the closest statewide race, incumbent land commissioner David Dewhurst defeated Democrat John Sharp for lieutenant governor by a margin of 51.7 percent to 46.6 percent. Sharp, who had narrowly lost the race for lieutenant governor to Rick Perry four years earlier, was defeated by an even greater margin in 2002.

Republican candidates also won all statewide judicial races and increased their control over the Texas Senate from a 1-seat majority to a 7-seat majority (19 to 12). For the first time since Reconstruction, Republicans gained control of the Texas House of Representatives, winning 88 of 150 seats. The anticipated increase in Democratic voter turnout with the candidacies of Ron Kirk and Tony Sanchez never materialized. The percentage of voting-age population participating in the general election remained below 30 percent (29.3). (For an in-depth discussion of the 2002 election, see Reading 4.2, "Swept Away).

Political Parties

Following Reconstruction, contests between the liberal and conservative factions within the Democratic Party were more important than those between the two major parties. After the middle of the twentieth century, however, Texas moved toward a two-party system similar to that of most other states. By the beginning of the twenty-first century, it appears that Texas is becoming a one-party system again. (See Table 4.1.) After the 2002 midterm election, Republicans held all statewide offices and controlled the Texas House of Representatives and Texas Senate. Although Democrats held most of county- and district-level offices, continued Republican gains appeared likely.

Some political scientists interpret recent polling and election results as evidence that there has been a **dealignment** of Texas voters. These scholars explain that the large percentage of Texans who claim to be independent voters (as high as 44 percent of all Texans by 1998) have abandoned allegiance to any political party (especially the Democratic Party) but tend to vote for Republican candidates. Other political scientists assert that the rising tide of Republican electoral victories throughout the 1990s and into the twenty-first century demonstrates that many Texans have switched their political affiliation and loyalty to the Republican Party in a **realignment** of voters.

Republican Party

In 1978, Texas Democrats were stunned by the election of Republican Bill Clements as governor. Four years later, Democrat Mark White unseated Clements. In 1986, however, the GOP returned Clements to the Governor's Mansion—with the help of independent voters, new Republicans who had left the Democratic Party, and conservative Democrats who refused to support White for a second term.

Republican gubernatorial candidate Clayton Williams lost the 1990 election to liberal Democrat Ann Richards, but in 1994 Republican George W. Bush, who benefited greatly from voter mobilization by the Christian Coalition, defeated her. By 1998, Bush was so popular that he received endorsements from many elected Democratic officials, and almost 70 percent of the

Table 4.1 Growth of Republican Officeholders

Year	U.S. Senate	Other Statewide	U.S. Congress	Texas Senate	Texas House	County Offices	District Offices	School Board	Total
1974	1	0	2	3	16	53	?	—	75+
1976	1	0	2	3	19	67	?	—	92+
1978	1	1	4	4	22	87	?	—	119+
1980	1	1	5	7	35	166	?	—	215+
1982	1	0	5	5	36	191	79	—	317
1984	1	0	10	6	52	287	90	—	446
1986	1	1	10	6	56	410	94	—	578
1988	1	5	8	8	57	485	123	5	692
1990	1	6	8	8	57	547	170	5	802
1992	1	8	9	13	58	634	183	5	911
1994	2	13	11	14	61	734	216	8	1,059
1996	2	18	13	17	68	938	278	9	1,343
1998	2	27	13	16	72	1,108	280	9	1,527
2000	2	27	13	16	72	1,233	336	10	1,709
2002	2	27	15	19	88	1,443	362	10	1,966

Source: Courtesy of the Texas Republican Party. Reprinted by permission

vote. Other Democratic candidates, such as John Sharp (who was the Democratic nominee for lieutenant governor) refused to endorse any gubernatorial candidate, including the Democratic nominee, Garry Mauro. Of special importance is the fact that the Republican Party carried Texas in 9 of the 13 presidential elections between 1952 and 2000, including the last 6 elections in that period (1980, 1984, 1988, 1992, 1996, and 2000). Republican candidates also won 5 of 7 gubernatorial elections between 1978 and 2002 (1978, 1986, 1994, 1998, and 2002).

Texas GOP strongholds are in West Texas, the Panhandle–South Plains, some small towns and rural areas in East Texas, the Dallas–Fort Worth Metroplex, and the suburbs of Houston, San Antonio, and Austin. With the exception of Democratic El Paso, West Texas Republicanism is predominant from the Permian Basin (Midland-Odessa) through the Davis Mountains and the German Hill Country. This West Texas region, like the Panhandle–South Plains area to the north, is populated primarily by conservative farmers and ranchers, along with people connected with the oil and gas industry in Midland, Odessa, and other parts of the Permian Basin.

Democratic Party

Slow but steady gains by Texas Republicans beginning in the 1960s came at the expense of Democrats, who had monopolized political power for more than a century. The most dramatic change in control has occurred at the state level. As recently as 1984, all statewide officeholders were Democrats. By the

turn of the century, 100 percent of statewide offices were held by Republicans. A significant increase in Republican officials is evident at all levels of government, however. In the 2000 elections, Democrats did not even have candidates in most statewide contests or in many local races. As previously mentioned, the Libertarian Party and the Green Party each had more candidates for statewide office than the Democratic Party in 2000.

Democratic voting strength is concentrated in El Paso, South Texas, parts of East Texas, the Golden Triangle (Beaumont, Port Arthur, and Orange), portions of the diverse Central Texas region, and the lower-income neighborhoods of larger cities. **Straight-ticket voting** for all Democratic candidates on the general election ballot has declined, however, as fewer Texans (especially those in rural East Texas) choose to remain "yellow-dog Democrats." This term has been applied to people whose party loyalty is said to be so strong that they would vote for a yellow dog if it were a Democratic candidate for public office.

Republican expansion has strengthened partisan competition throughout the state and has diminished the intensity of factional politics within the Democratic Party. Nevertheless, Democrats are divided by many interests and issues.

Third Parties

Americans commonly apply the term **third party** (or *minor party*) to any political party other than the Democratic or Republican Party. Both in the United States and in Texas, third parties have never enjoyed the same success as the two major parties. Major parties' success is measured in their ability to win elections. By this measure, minor parties are unsuccessful. However, their success can better be measured by their ability to make the public aware of their issues, get the major parties to adopt those issues, and/or force the major parties to bring them into a coalition. When judged by these measures, third parties in Texas have enjoyed modest success.

During the 1890s, the Populist Party successfully promoted agricultural issues and displaced the Republicans as the "second" party in Texas.[23] In the 1970s, **La Raza Unida** elected a few candidates to local offices in South Texas and forced the Democratic Party to begin to address Latino concerns. In the 1990s, Ross Perot's Reform Party had organizations in many areas in the state. Over the last 20 years, the Libertarian Party has nominated candidates for national, state, and local offices throughout Texas. In addition to these parties, other parties have nominated candidates and increased public awareness of their issues: the Greenback Party (late nineteenth century), the Prohibition Party (late nineteenth and early twentieth centuries), the Socialist and Socialist Labor parties (early twentieth century), the Progressive Party (early to mid-twentieth century), and the Green Party (starting in the late twentieth century).

Libertarian Party Since 1980, the **Libertarian Party** has provided Texas voters with alternatives to Democratic and Republican candidates. Never a serious threat to either of the two major parties, the Libertarian Party finds its strongest support in urban areas. Libertarians advocate minimizing the performance of government at all levels while maximizing individual freedom and rights. For example, Libertarian platforms have consistently opposed foreign aid spending, public health programs, and agricultural subsidies for farmers and ranchers. Both the U.S. Department of Energy and the U.S. Department of Education are subject to frequent Libertarian criticisms. At the same time, Libertarians oppose laws regulating sale and use of drugs and restricting the right of abortion. In 2000, Libertarian presidential candidate Harry Browne appeared on the Texas ballot but received less than 0.5 percent of the popular vote. In 2002, the Libertarian Party fielded candidates for the offices of U.S. senator, governor, lieutenant governor, attorney general, comptroller, land commissioner, agriculture commissioner, railroad commissioner, and several statewide judgeships and congressional seats. Each of its candidates received less than 5 percent of the vote in races contested by both Democrats and Republicans. Perhaps helped by name identification, Supreme Court nominee Quanah Parker received 2.35 percent of the popular vote.[24]

Green Party Inspired by the Green parties in Europe that have won elective offices in countries such as Germany and Great Britain, Texas's **Green Party** is known for its strong support of environmental protection policies. Party members also oppose the influence of corporate wealth and power, advocate campaign finance reform, and favor higher taxes on the wealthy. In 2000, Green Party presidential candidate Ralph Nader received 2.2 percent of the popular vote in Texas. In 2002, the Green Party fielded candidates for the offices of U.S. senator, governor, lieutenant governor, attorney general, comptroller, land commissioner, agriculture commissioner, railroad commissioner, and several statewide judgeships and congressional seats. However, Green candidates (like Libertarians) won no elections and rarely received more than 3 percent of the vote.

Reform Party Dallas billionaire Ross Perot exploded onto the American political scene in 1992. Although forced to run as an independent in Texas, he was the Reform Party's presidential candidate in all other states. Perot received 19 percent of the popular vote nationwide and nearly 17 percent in Texas. Subsequently, the computer tycoon continued to spend huge amounts of his personal fortune to publicize proposals for revolutionizing the political process and revitalizing America. In response, millions of mainstream Americans joined Perot's new political organization, United We Stand. But, in 1996, Perot received only 7 percent of the popular vote in Texas. Although Perot ran as an independent in Texas, the **Reform Party** was on the ballot in several states. Recent in-party conflicts have split the Reform Party, which in 2000

had two presidential nominees: Pat Buchanan and Dr. John Hagelin. Although the Reform Party did not appear on the Texas ballot, Buchanan did as an independent. He received only 0.2 percent of the Texas vote. The Reform Party did not place any candidates on the Texas ballot in 2002.

Racial/Ethnic Politics

In 1993, veteran Texas Democratic leader Robert Strauss predicted that the Texas Democratic Party would have difficulty winning statewide elections in nonpresidential election years. Observing that "the core Democratic vote is getting smaller," Strauss commented: "We don't get out a minority vote very well for ordinary races." The results of the 1994, 1998, and 2002 general elections make Strauss's comment prophetic. Recognition of the significance of the Latino vote by Republican governor George W. Bush in his 1998 gubernatorial campaign and in his 2000 presidential effort, as well as the 2002 gubernatorial candidacy of Democrat Tony Sanchez, proves the rising importance of this group of voters.

Almost 45 percent of Texas's total population is composed of Latinos (chiefly Mexican Americans) and African Americans. Politically, the state's principal ethnic and racial minorities wield enough voting strength to decide any statewide election and determine the outcomes of local contests in areas where their numbers are concentrated. Most of Texas's African American and Latino voters participate in Democratic primaries and vote for Democratic candidates in general elections. Nevertheless, in 1998 Governor Bush attracted strong support from Latino voters and received endorsements from African American groups such as the Baptist Ministers Association of Houston and Vicinity. An increasing number of African Americans and Latinos claim to be politically independent and do not identify with either the Republican or Democratic Party.

Latinos

Early in the twenty-first century, candidates for elective office in Texas give full recognition to the potential of the Latino vote. Most Anglo candidates use Spanish phrases in their speeches, advertise in Spanish-language media (television, radio, and newspapers), and assure voters of the support of issues important to the Latino community (such as bilingual education and immigration). Candidates for the 2000 presidential nomination from both major political parties included appearances in Latino communities and before national Latino organizations, such as the League of United Latin American Citizens (LULAC) and the National Council of La Raza, as a part of their campaign strategy. These appearances recognized the political clout of Latinos in the Republican and Democratic presidential preference primaries as well as in the general election.

Although Mexican Americans have played an important role in South Texas politics throughout the twentieth century, not until the 1960s and early 1970s did they begin to have a major political impact at the state level. Founded in 1969 by José Ángel Gutiérrez of Crystal City and others, the Raza Unida Party mobilized many Mexican Americans who had been politically inactive and attracted others who had formerly identified with the Democratic Party. By the end of the 1970s, however, Raza Unida had disintegrated. According to Ruben Bonilla, former president of LULAC, the main reason Raza Unida did not survive as a meaningful voice for Texas's Mexican American population was "the maturity of the Democratic Party to accept Hispanics."

In the 1980s, Mexican American election strategy became more sophisticated as a new generation of college-educated Latinos sought public office and assumed leadership roles in political organizations. Among Latinos elected to statewide office in the 1980s and 1990s were Democrat Raul Gonzalez (the first Latino elected to statewide office in Texas), who served on the Texas Supreme Court from 1986 until 1999; Democrat Dan Morales, the state's attorney general for two terms from 1991 through 1998; and Republican Tony Garza, elected to the Texas Railroad Commission in 1998. After President Bush appointed Garza U.S. ambassador to Mexico in 2002, Governor Perry replaced him on the commission with Victor Carrillo early in 2003. Just as the political party affiliation of Latino elected officials is divided, so too is the Latino electorate.

Although Latinos are more likely to vote for Democratic candidates, Republican candidates, such as George W. Bush, have succeeded in winning the support of many Latino voters. Successful GOP candidates emphasize family issues and target heavily Latino areas for campaign appearances and media advertising. Bush also selected several Latino officials for high-profile positions, most notably secretary of state (Tony Garza and Al Gonzales) and Supreme Court justice (Al Gonzales). Gonzales resigned from the Texas Supreme Court in 2001 to become White House counsel to President Bush. Many political observers believe he will be the first Latino appointed to the U.S. Supreme Court. Governor Rick Perry also appointed a Latino secretary of state, Democrat Henry Cuellar, who served from 2001 to 2002.

As a result of the votes Bush received in the 1998 election, Democrats no longer assume they have the support of Latinos. The voting behavior of Latinos, however, indicates they respond to candidates and issues, not a particular political party. Often, successful Republican candidates distance themselves from their party, especially in the Latino community. In one 1998 commercial that appeared on Spanish-language television stations, Governor Bush highlighted the support he received from Democrats but never identified himself as a Republican. Although both national and state Republican Party platforms discourage bilingual education and urge stricter immigration controls, Republican candidates frequently do not endorse these positions.

Many members of the Democratic Party believe it is important to have Latino nominees for high-level statewide offices to attract Latino voters to the

polls. They argue that since the majority of Latinos are more likely to support Democratic candidates, a higher voter turnout will result in the election of more Democrats to office. In 2002, Laredo businessman Tony Sanchez Jr. became the first Latino candidate to be nominated for governor by a major party in Texas. Challenged for the Democratic nomination by former Texas attorney general Dan Morales, on 1 March 2002 the two men held the first Spanish-language gubernatorial debate in U.S. history.

The sheer size of the Latino population causes politicians to solicit support from this group. Latino voters can represent the margin of victory for a successful candidate. Lower levels of political activity than in the population at large, however, both in registering to vote and in voting, limit the impact of the Latino electorate.

African Americans

In April 1990, the Texas State Democratic Executive Committee filled a candidate vacancy by nominating Potter County court-at-law judge Morris Overstreet, an African American Democrat, for a seat on the Texas Court of Criminal Appeals. As the Republican candidate, Louis Sturns, was also African American, this historic action guaranteed the state's voters would elect the first African American to statewide office since Reconstruction. Overstreet won in 1990 and again in 1992. He ran for the Democratic nomination for attorney general in 1998 but lost to Jim Mattox, an Anglo politician who had formerly held that office. Ultimately, Republican John Cornyn defeated Mattox in the general election. Overstreet's defeat resulted in no Democratic African American in a statewide office at the end of the century, but Governor Bush appointed Republican Michael Williams to the Texas Railroad Commission in 1999. This African American commissioner was elected to a six-year term in 2002.

The appointment of Justice Wallace Bernard Jefferson to the Texas Supreme Court in 2001 increased the number of African Americans in statewide offices to three. Justice Jefferson is the first African American to serve on the court. He and another African American, Dale Wainwright, were elected in 2002 to six-year terms on that court. In 2002, former Dallas mayor Ron Kirk became the first African American nominated by either major party in Texas as its candidate for United States Senate. Although unsuccessful in the general election, Kirk's candidacy was seen by many political observers as an important "breakthrough" for African American politicians.

Since the 1930s, African American Texans have tended to identify with the Democratic Party. With a voting-age population in excess of 1 million, they constitute about 10 percent of the state's potential voters. As demonstrated in recent electoral contests, approximately 80 percent of Texas's African American citizens say that they are Democrats, and only 5 percent are declared Republicans. The remainder are independents. More than 90 percent of the state's African Americans of voting age support Democratic candidates

and tend to remain with the Democratic Party regardless of income. From 1971 to 2003, African Americans increased their membership in the Texas Legislature from 3 to 16. By 2003, of the 5,200 elected positions in Texas, more than 500 were held by African Americans.

Women in Politics

Texas women did not begin to vote and hold public office for three-quarters of a century after Texas joined the federal Union. Nevertheless, in 1990, Texas female voters outnumbered male voters, and Ann Richards was elected governor. Through 1990, however, only four women had won a statewide office in Texas, including two-term governor Miriam A. ("Ma") Ferguson (1925–1927 and 1933–1935). Mrs. Ferguson owed her office to supporters of her husband, Jim, who was impeached and removed from the governorship in 1917. After 1990, the number of women elected to statewide office increased dramatically.

Female candidates were also successful in winning an increasing number of seats in the Texas Legislature—from 2 in 1971 to 36 in 2003. The expanded presence of women in public office is reflected in changing public policy. Increased punishment for family violence and sexual abuse of children, together with a renewed focus on public education, can be attributed in large part to the presence of women in policymaking positions.

In the early 1990s, Texas women served as mayors in about 150 of the state's towns and cities, including the first 4 in population (Houston, Dallas, San Antonio, and El Paso). As mayor of Dallas (1988–1991), Annette Strauss was fond of greeting out-of-state visitors with this message: "Welcome to Texas, where men are men and women are mayors."

Both major parties have realized the increasing importance of attracting female voters to their ranks and have selected women as state party chairpersons. In 1997, the Texas State Republican Executive Committee unanimously elected Susan Weddington of San Antonio to chair their party. One year later, Democrats followed suit when they selected former Republican activist Molly Beth Malcolm as their state chair. It was initially thought by some party leaders that Malcolm could attract more women and Republicans to the party. This strategy has proven unsuccessful, as the Democratic Party has lost 39 statewide races under her leadership. In early 2003, Malcolm narrowly survived a resolution in a State Democratic Executive Committee meeting calling for her resignation as state chair.[25]

The impact of women's voting power was evident in both 2000 and 2002, when women led all candidates on either ticket in votes received. With her reelection to the United States Senate in 2000, Republican Kay Bailey Hutchison became the first person to receive more than 4 million votes, and in 2002 Carole Keeton Rylander received over 2.8 million votes in her reelection as state comptroller. Rylander later changed her name to Strayhorn, following her marriage in early January 2003. However, despite their electoral victories



Carole Keeton Strayhorn, Texas Comptroller of Public Accounts, and her husband Ed Strayhorn (© Bob Daemmrich Photography, Inc.)

in Texas and elsewhere across the nation, fewer women than men seek elective public office. There are several reasons for this situation, chief of which is difficulty in raising money to pay campaign expenses. Some potential donors are reluctant to give money to women candidates, perhaps because they think women cannot win.

Under ordinary circumstances, women candidates cannot expect large contributions from their female supporters, because most Texas women donors do not control as much money as male contributors do. There is also a tendency for women contributors to donate less money than equally affluent men to political campaigns. Thus, many women are discouraged from seeking elective office. There are, however, other reasons fewer women than men seek public office. Although women are enjoying increasing freedom, they still shoulder more responsibilities for family and home than men do (even in two-career families). Some mothers feel obligated to care for children in the home until the children finish high school. Such parental obligations, together with age-old prejudices, deny women their rightful place in government. Yet customs, habits, and attitudes do not remain static; new opportunities for women in public service are expanding accordingly.

Political Campaigns

Elections in Texas are conducted to fill national, state, county, city, and special-district offices. With so many electoral contests, citizens are frequently besieged by candidates seeking votes and asking for money to finance their election campaigns. It is through the democratic election process, however, that Texans have an opportunity to influence public policymaking by expressing preferences for candidates and issues when they vote.

Conducting Campaigns in the Twenty-First Century

Campaigns are no longer limited to speeches by candidates on a courthouse lawn or from the rear platform of a campaign train. Today prospective voters are more likely to be harried by a barrage of campaign publicity involving television and radio broadcasting, newspapers, billboards, yard signs, and bumper stickers. Moreover, they probably will encounter door-to-door canvassers, receive political questionnaires and propaganda leaflets in the mail, be asked to answer telephone inquiries from professional pollsters or locally hired telephone-bank callers, receive information by e-mail, and be solicited for donations to pay for campaign expenses.

Nonissue Campaigns Only a minority of Texans, and indeed other Americans, are actively concerned with politics. But even among those interested in political affairs, there is a growing impatience with current styles of campaigning. Character and political style have become more important than issues. A candidate's physical appearance and personality are increasingly important, because television has become the primary mode of campaign communication.

Importance of the Media Since the days of W. Lee "Pappy" O'Daniel, the media have played an important role in Texas politics. In the 1930s, O'Daniel gained fame as a radio host for Light Crust Flour and later his own Hillbilly Flour. On his weekly broadcast show, the slogan "Pass the biscuits, Pappy" made O'Daniel a household name throughout the state. In 1938, urged by his radio fans, "Pappy" ran for governor, attracting huge crowds. With a platform featuring the Ten Commandments and the Golden Rule, he won the election by a landslide.[26] In the 1970s, television and radio ads were a regular part of every gubernatorial and U.S. senatorial candidate's campaign budget. By the 1980s and 1990s, candidates from the top of the ballot to the local city council and school board used radio to reach potential voters. With the exception of smaller media markets and local cable providers, many "middle of the ballot" candidates have found television time to be cost-prohibitive.

Today, with over 12 million potential voters to be reached in 254 counties, Texas is by necessity a media state for political campaigning. To visit every county personally during a primary campaign, a candidate would need

Points to Ponder



The father of western swing music, Bob Wills was one of the original Light Crust Doughboys who worked for W. Lee O'Daniel.

(© Bettman/CORBIS)

to go into 4 counties per day, five days a week, from the filing deadline in January to the March primary date. Such extensive travel would leave little time for speechmaking, fundraising, and other campaign activities. Although some candidates for statewide office in recent years have traveled to each county in the state, none won an election. Therefore, Texas campaigners must rely more heavily on television and radio exposure than candidates in other states.

Most Texas voters learn about candidates through television commercials that may range in length from 15 seconds for a "sound bite" (a brief statement of a candidate's campaign theme) to a full minute. Ads allow candidates to structure their messages carefully and avoid the risk of a possible misstatement that might occur in a political debate. Therefore, the more money a candidate's campaign has, the less interest the candidate has in debating an opponent. Usually the candidate who is the underdog (the one who is behind in the polls) wants to debate.

Candidates are relying increasingly on the Internet to communicate with voters. But the benefit of low cost must be balanced against problems unique to the medium of web sites and electronic mail. Issues include limited access and use of computers by the population that votes (those 40–65 years old), consumer resistance to "spam" (electronic junk mail), "cybersquatting" (individuals other than the candidate purchasing domain names that are similar to the candidate's name and then selling the domain name to the highest bidder), and hyperlinks to inappropriate web sites. In the 2002 mayoral election in Plano, incumbent Jeran Akers purchased the "patforplano" domain name to prevent his opponent, Pat "Pat for Plano" Evans access. However, the negative press that this generated contributed to Akers's loss in a closely contested election.

Mudslide Campaigns Following Ann Richards's victory over Jim Mattox in the Democratic runoff primary of April 1990, one journalist reported that Richards had "won by a mudslide." This expression suggests the reaction of many citizens who were disappointed, if not infuriated, by the candidates'

generally low ethical level of campaigning and their avoidance of critical public issues. But when character became more important as a voting consideration in the 1990s, negative campaigning became more prominent.

The 2002 campaigns featured ads by U.S. Senate candidates claiming that the other had illegal or unethical ties with the failed energy giant Enron Corporation. Also, there were ads by attorney general candidates blaming the other for the high cost of insurance. However, the Texas gubernatorial campaign produced a new low in mudslinging. With less than two weeks remaining in the campaign, Tony Sanchez released a Texas Department of Public Safety tape showing Rick Perry abusing his power of office, after his driver was pulled over for speeding, by asking a female state trooper, "Why don't you just let us get on down the road?" Less than one week prior to the election, Perry countered with the "Kiki" ad. The commercial featured two drug enforcement agents claiming that the drug lords who orchestrated a hit on federal drug agent Enrique "Kiki" Camarena had laundered their drug money through Tesoro Savings and Loan, a financial institution that Sanchez once owned. One political observer noted that this was the turning point in the campaign: "It was brutally negative, even by the standards of this bitterly partisan election season."[27]

Campaign Reform

Concern over the shortcomings of American election campaigns has given rise to organized efforts toward improvement at all levels of government. Reformers have ranged from a single citizen to members of the U.S. Congress and large lobby groups. Reform issues include eliminating negative campaigning, increasing free media access for candidates, and regulating campaign finance.

Eliminating Negative Campaigning The Markle Commission on the Media and the Electorate has concluded that candidates, media people, consultants, and the electorate are all blameworthy in the increase in negative campaigns. Candidates and consultants, wishing to win at any cost, employ negative advertising and make exaggerated claims. The media emphasize poll results and the "horserace" appearance of a contest rather than basic issues and candidate personalities that relate to leadership potential. Voters must be the corrective force for reform. Because the bottom line of campaign reform involves educating citizens, little can be achieved quickly.

Increasing Free Media Access Certainly a candidate for statewide office in Texas cannot win without first communicating with a large percentage of the state's voting population. As noted previously, television is the most important communication tool and the most expensive. One group supporting reform in the area of media access is the Alliance for Better Campaigns (**www.bettercampaigns.org**). In 1998, it sponsored initiatives in 10 states, including Texas,

to encourage television stations to donate time for political debates. In Texas, Governor Bush and his Democratic opponent, Garry Mauro, held only one debate. The Alliance is continuing its efforts, however. So long as paid media advertising is a necessary part of political campaigns, fundraising will remain an important factor in electoral success.

Campaign Finance

On more than one occasion, President Lyndon Johnson bluntly summarized the relationship between politics and finance with the statement "Money makes the mare go." Although most political scientists would state this fact differently, it is obvious that money is needed to pay the necessary expenses of election campaigns. The 1990 gubernatorial campaign established a record of $45 million spent on the primary and general election races combined, including more than $22 million by Midland oilman Clayton Williams. He narrowly lost to Ann Richards, who spent $12 million. However, that record was shattered by the 2002 gubernatorial election. Tony Sanchez's and Rick Perry's campaigns spent a combined record of more than $95 million. Sanchez outspent Perry by more than two to one ($67.2 million to $28 million) in the race for governor. Sanchez lost by 20 percent.[28] Even though $95 million establishes a new record for spending in a Texas race, it does not establish a national record. Last year's New York gubernatorial contest, which cost an estimated $148 million, ranks first, followed by California's gubernatorial races in 1998 ($130.5 million) and 2002 (an estimated $100 million).

Many Texans are qualified to hold public office, but relatively few can afford to pay their own campaign expenses (as presidential candidates Ross Perot and Steve Forbes and gubernatorial candidates Clayton Williams and Tony Sanchez have done) or are willing to undertake fundraising drives designed to attract significant campaign contributions by others (as George W. Bush has done in both his gubernatorial and presidential campaigns, and Governor Rick Perry has done in his campaigns for lieutenant governor and governor).

The need to raise large amounts of cash exists at local, state, and national levels. Successful Houston City Council candidates often require from $150,000 (for district races) to $250,000 (for at-large races), and mayoral candidates may need $2 million or more. Although some individuals and **political action committees (PACs)** (organizations created to collect and distribute contributions to political campaigns) donate because they agree with a candidate's position on the issues, the motivation of others may be questioned. What these donors receive in return for their contributions is access to elected officials. Both politicians and donors argue that access does not mean donors gain control of officials' policymaking decisions. Yet others, such as former Texas House Speaker Pete Laney, attribute the decline in voter participation to a growing sense that average citizens have no voice in the political process because they cannot afford to make large financial donations to candidates.



How Do We Compare . . . in Political Contributions?

Total Political Contributions by State and National Rankings:

Most Populous U.S. States	Contribution Amount	Rank	U.S. States Bordering Texas	Contribution Amount	Rank
California	$126,781,522	2	Arkansas	$9,950,260	29
Florida	$52,091,076	7	Louisiana	$13,948,641	25
New York	$97,645,479	3	New Mexico	$6,185,068	35
Texas	**$83,534,588**	**4**	Oklahoma	$9,554,968	30

Source: Federal Elections Commission.

Both federal and state laws have been enacted to regulate various aspects of campaign financing. Texas laws on the subject are relatively weak and tend to emphasize reporting of contributions. Federal laws are more restrictive, featuring both reporting requirements and limits on contributions to a candidate's political campaign by individuals and PACs.

Public funding of elections is one reform that has been proposed. It is available in presidential elections as a result of the Federal Election Campaign Act of 1972, as amended. This law permits a taxpayer to designate $3 of an annual U.S. income tax payment, or $6 on a joint return, to be placed in the presidential campaign fund as a contribution to the public funding of presidential campaigns. Allocations to this fund by taxpayers have declined over the years.

In 1989, chicken magnate Lonnie "Bo" Pilgrim handed out $10,000 checks on the Senate floor, leaving the "payable to" lines blank, as legislators debated reforming the state's workers' compensation laws. Many were surprised to find that Texas had no laws prohibiting such actions. Two years later the Texas Legislature passed laws prohibiting political contributions to members of the legislature while they are in session, and in 1993 Texas voters approved a constitutional amendment establishing the **Texas Ethics Commission**. Among its constitutional duties, the Texas Ethics Commission requires financial disclosure from public officials. However, unlike the Federal Election Campaign Act, Texas has no laws placing a limit on political contributions.

Further restricting the amount of money that can be contributed to campaigns is another area of possible reform. Efforts in this area, however, have been unsuccessful. In 2002, Congress passed the long-awaited **Campaign Reform Act**, signed into law by President Bush. This federal law includes the following reforms:

- It prohibits "**soft money**"—that is, donations made to national political parties
- It increases individual "**hard money**" (or direct) contribution limits

- It restricts corporations' and labor unions' ability to run "electioneering" ads featuring the names and/or likenesses of candidates close to election day[29]

Plaintiffs such as Texas Congressman Ron Paul and others challenged the constitutionality of this act, claiming it was an unconstitutional restraint on freedom of speech. In May of 2003, voting along party lines, a three-judge federal court overturned the law, 2 to 1. The two Republican judges delared the "soft money" ban unconstitutional, opening the door for a ruling by the U.S. Supreme Court. Additional reform efforts include making contributor information more easily available to citizens. Candidates and treasurers of campaign committees are required to file periodically with the Texas Ethics Commission (**www.ethics.state.tx.us**). Under legislation enacted in 1999, these reports may be made electronically. Sworn statements list all contributions received and expenditures made during designated reporting intervals. Candidates who fail to file these reports are subject to a fine.

State representative Pete Gallego submitted a campaign finance reform bill for the third time in 2001, but the 77th Legislature failed to enact the proposal. Many members of the legislature objected to reporting the occupation or employer of campaign donors, even though the name and hometown of each donor is disclosed under current law. Texas is only one of six states with no contribution limits (except in some judicial races). In practice, both federal and state campaign finance laws have largely failed to cope with the problem of influence buying through transfers of money in the form of campaign contributions. It may well be that as long as campaigns are funded by private sources, they will remain inadequately regulated.

Looking Ahead

Under the freedom-of-speech clause of the U.S. Constitution, Americans have a right to give money to the candidates of their choice. The U.S. Supreme Court has ruled that campaign contributions may be limited, but independent expenditures in support of a specific candidate may not. Furthermore, in ***Buckley* v. *Valeo*** (1976), the U.S. Supreme Court held that candidates may not be prohibited from spending their own money on their campaigns. In the face of these guaranteed rights, political parties are weakened in turn. When PACs can collectively contribute millions of dollars to a candidate for a statewide office, the candidate no longer needs to remain obligated to a party.

It is interesting to speculate on how candidates and voters would respond to or be affected by public funding of Texas elections. First, challengers would be placed on a more equal financial footing with incumbents. Private financing favors incumbents in raising campaign money. Texas legislators are well aware of this, and they will surrender their advantage only in the face of

strong public pressure. Second, public funding would run counter to Texas tradition. The Lone Star State has never tried it, and many citizens are undisturbed by big-money domination of politics.

For the foreseeable future, Texas will continue to allow wealthy individuals and powerful interest groups to buy political favors from government under the guise of making campaign contributions. The "The Politics of Interest Groups" chapter provides extensive coverage of interest groups.

Chapter Summary

- Over the course of the twentieth century, Texas changed from a rural, one-party (Democratic) state with limited voting rights to an urbanized, two-party (Democratic and Republican) state with almost universal suffrage.
- Nearly every citizen over the age of 18 can vote. One area of concern is how few eligible voters choose to exercise this right. There are three types of elections: party primaries (held in even-numbered years to select party nominees), general elections (regularly scheduled elections to select government officials), and special elections (held at any other time for a variety of reasons). Local government and political party officials administer elections.
- Political parties serve two functions: administering party primaries and conducting party conventions. These are activities of the party's temporary organization. The permanent party organization includes autonomous executive committees at the local, state, and national levels that direct party activities.
- Texas voters and political parties represent a variety of political ideologies, including conservatism and liberalism. The two major political parties are Republican and Democratic. A number of minor, or third, parties also often appear on general election ballots in the state.
- Recent elections reflect two major trends. The Republican Party now dominates statewide electoral contests. Democratic candidates are successful only in district and local races. Both major parties seek the support of minority voters: African Americans and especially Latinos, who are a rapidly expanding percentage of the state's population.
- Historically, Texas was a one-party state, dominated by the Democratic Party following Reconstruction through the 1960s. Beginning in the 1970s and 1980s, the state moved toward a competitive two-party structure. In the 1990s and into the twenty-first century, however, it appears that the state is becoming a one-party state again, with the Republican Party in control.

- An increasing number of African Americans and Latinos have been elected to office in recent years at both state and local levels of government. African American voters consistently favor Democratic candidates. Latino voters, although tending to favor Democratic candidates, have given strong support to some Republican candidates such as George W. Bush.
- Gender-based politics became important during the final decades of the last century as women became more politically active and had a direct influence on public policy decisions. Candidates sought their support at the ballot box. More women were elected to office from 1990 to 2000 than the total number elected prior to that time.
- Political campaigns reflect the influence of the media (especially television), mudslide (negative) campaigning, and money. Both federal and state laws regulate campaign donations, with federal law requiring disclosure of donor information and limiting contributions. State law establishes reporting requirements. A possible solution to the influence of money on Texas politics is public funding of campaigns; until voters of the twenty-first century demand change, however, there is little likelihood this will happen.

Key Terms

universal suffrage
literacy tests
grandfather clause
Guinn v. *United States*
poll tax
Harper v. *Virginia State Board of Elections*
white primary
Smith v. *Allwright*
racial gerrymandering
Shaw v. *Reno*
at-large majority district
motor voter law
Fifteenth Amendment
Nineteenth Amendment
Twenty-Fourth Amendment
Twenty-Sixth Amendment
Texas Election Code
voter registration
elections administrator
early voting
direct primary
general election
runoff primary
closed primary
open primary
nonpartisan blanket primary
independent candidate
jungle primary
crossover voting
canvass
primary election
off-year or midterm election
special election
voting precinct
election judge
political party
stratarchy
temporary party organization
platform
precinct convention
county convention
district convention
state convention
presidential preference primary
caucus
superdelegates
permanent party organization
precinct chair
county executive committee
county chair
district executive committee
state executive committee
laissez-faire
conservative
school voucher
neoconservatism
liberal
neoliberal
Populist Party
dealignment
realignment
straight-ticket voting

third party
La Raza Unida
Libertarian Party
Green Party
Reform Party
political action committee (PAC)
Texas Ethics Commission
Campaign Reform Act
soft money
hard money
Buckley v. *Valeo*

Discussion Questions

1. Is the low voter turnout in Texas a problem? If so, how can this issue be addressed to increase voter participation?
2. Besides voting, what are some other ways a person can effectively participate in the system?
3. How has Texas's political culture been reflected in the development of political parties in the state? How is it reflected today?
4. In what ways does the structure of political parties in Texas encourage participation in partisan politics? In what ways does it discourage participation?
5. What challenges face the Democratic Party in Texas in the twenty-first century? What challenges face the state's Republican Party?
6. Can third parties be successful in Texas? How?
7. With the increasing political importance of racial/ethnic minorities and women, how has Texas politics changed? What changes can we anticipate in the future?
8. What electoral reforms are suggested to improve all levels of government? Which of these reforms have the best chance of succeeding?

Internet Resources

Elections Division, Texas Secretary of State: **www.sos.state.tx.us/elections/index.shtml**
Texas Democratic Party: **www.txdemocrats.org**
Texas Ethics Commission: **www.ethics.state.tx.us**
Texas Libertarian Party: **www.tx.lp.org**
Texas Reform Party: **www.texasreformparty.org**
Texas Republican Party: **www.texasgop.org**

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Selected Readings

4.1 Elephant Wars: The Christian Right Flexes Its Muscle at the Republican Convention*

Jake Bernstein

This report covers the Texas Republican Party's state convention in June 2002. It identifies planks in the GOP platform and describes the factional struggle over Rule 43. Had it been adopted, the rule would have required GOP candidates to endorse the party's platform in order to receive party funding for their campaign.

Some Planks in the Texas GOP Platform

The 2002 Texas Republican Party platform depicts a twilight looking-glass world. It's a place beset by enemies, where the purity of the culture, under constant siege, must be protected from threats both internal and external. Congress is urged "to deploy our military forces to secure our international borders." Immigration must be severely restricted.

If these safeguards fail, the contagion of the foreign horde must be controlled and quarantined. The platform calls for "deportation of aliens if they do not carry the required ID." Illegal immigrants should not be granted drivers' licenses. Voter registration is to be made more difficult. "American English" is the official language of the state and "the Party supports the termination of bilingual education programs in Texas."

A plank entitled "equality for all citizens" urges the repeal of hate crimes legislation. Another states: "We oppose any criminal or civil penalties against those who oppose homosexuality out of faith, conviction, or belief in traditional values." Since the Bible is the Truth, teachers should have the right to instruct their public school students in "creation science." And those women who choose to terminate their pregnancies should be charged criminally. Lest anyone forget, "America is a Christian nation."

Workers are on their own in this mean-spirited netherworld: "The Party believes the Minimum Wage Law should be repealed." All efforts to extend workers' compensation laws are to be stopped. And Texas' anti-union Right-to-Work statutes should be enshrined in the state constitution.

The government is not to be trusted either. That is, most of the time. Although "the greatest threat to individual liberties is government control," the Party "support[s] reasonable use of racial profiling by law enforcement." The platform calls for the abolition of the U.S. Department of Education, the Surgeon General, the Environmental Protection Agency, the Department of Energy, the Department of Housing and Urban Development, the Department of Commerce, the Department of Labor, and the Internal Revenue Service, along with most taxes. Ominously, the conspiracy runs deeper than just the U.S. government. "The Party urges Congress to evict the United Nations from the United States and eliminate any further participation." The platform demands the return of the Panama Canal, too.

*Reprinted with permission from *The Texas Observer*, 5 July 2002 (www.texasobserver.org/showArticle.asp?ArticleID=792).

Obviously, this Republican platform won't find a welcome from the majority of Texas' burgeoning Hispanic population. It is these immigrants and their children who will determine Texas' political destiny. For that matter, the austere fundamentalism represented in the platform is probably far outside any definition of the mainstream, even for Texas. And squeezing out the mainstream is not the way to win elections. So not surprisingly, shortly after the delegates heartily approved the platform at the Republican convention in Dallas on June 7–8, the Party leadership and its candidates began to distance themselves from the document, albeit gingerly. Their message: The platform doesn't matter.

Few were more tortured than state chairman Susan Weddington, herself a Christian conservative. She offered a half-hearted diplomatic defense. "The platform is a tool, but not the only tool," she said during the convention. "It's a snapshot of the party."

Rita Davis of San Antonio is one of several leaders of a vocal group of radical Christian Republicans who are tired of what they describe as a disconnect between what's in the platform and what their elected officials are saying and doing. For years they have tried to pass a rule that would force candidates to declare how they stand on each and every plank of the platform. During a decade of conventions they have been thwarted. This time their impotence flared into anger at Weddington and the hierarchy of the Party.

RINOs and Rule 43

"We've been working on it ever since we took over the party," Davis said on the first day of the convention, as she handed flyers to each delegate walking through a security door to receive credentials. The pamphlets pushed approval of Rule 43, which she hoped would stop RINOs, Republicans In Name Only, by forcing them to pledge allegiance to the platform. "This is a deliberative body. It's not run by the hierarchy. This is grassroots and we want our voices heard," she insisted.

As a sideline to their struggle to make the platform relevant, they also tried to pass rules squarely aimed at punishing Weddington, including placing term limits on the state chairmanship and stripping her of the power to appoint committee chairs. Both failed.

For Davis and her mentor, a San Antonio furniture dealer named Robert X. Johnson, the rule change has one particular RINO in mind: San Antonio state Senator Jeff Wentworth, a moderate Republican, who, among his other heresies, is pro-choice. As a nod to the importance Wentworth's downfall carries for the grassroots, and a sign of her own tenuous position, chairman Weddington took the unprecedented step last March of choosing sides—campaigning against Wentworth, an incumbent, in the Republican primary. Wentworth won anyway, in no small part because a hate-filled mailing by a radical right political action committee called FreePAC backfired.

"We come here every two years and then Jeff Wentworth stomps on [the platform] and says it doesn't mean anything," Davis groused. "They should be accountable to the core principles."

The consequences of ignoring the anti-RINOs could be fatal to the party, Davis and her compatriots warn. "Look at the turnout of the convention, in the caucuses: It may be at an all-time low," noted Nathan Zook, a self-described "rules nerd" and member of the Christian Right. And indeed the vast convention hall was filled with empty seats. While

party leaders predicted 15,000 delegates and alternates, the turnout was more on the order of 8,000. "It is getting harder and harder to get the grassroots to come out."

Down the street from the Dallas convention center, Zook knew, the Libertarian Party of Texas was meeting in a small hotel. Many of those Libertarians had once been Republicans, but, unable to make their mark on the Party, they left. "The fact of the matter is that Libertarians cost us the state senate out west," Zook continued. "If the party is serious about what it stands for, we wouldn't have a Libertarian party."

On the lapel of his blazer, Zook proudly wore a sticker that read, "I'm a Ron Paul Republican." By the end of the convention, it seemed like the majority of delegates sported the sticker advertising the U.S. Congressman, who used to be a Libertarian and frequently criticizes fellow Republicans. "Ron Paul is much more the face of the Christian Right than Jerry Falwell," said Zook, who believes the Party's platform isn't as strong as it should be.

On the convention floor, Jim Bowie, a black, 34-year Republican from Houston, remembered when there used to be conservative and liberal Republicans. He believes the gulf between the religious right grassroots and the elected officials, wide already, will continue to grow. "There are still a group of people that want to be isolationists," he said, but he wasn't particularly worried by the battle being waged over Rule 43. "No one pays any attention to the rules."

Bowie doesn't see the Party doing enough to try and recruit people like him. As usual, the complexion among both delegates and those on stage was overwhelmingly white, and attempts at wooing minorities often seemed comically inept. A media gathering to meet minority delegates was abruptly canceled as was a "Diversity Conference." Weddington, in a bid to paint the opposition as racist and paternalistic, exclaimed from the stage: "Forty years ago, Democrats stood in the schoolhouse door and said you can't come in, now they are telling 'em you can't go out [of the party]." But tarnishing Democrats for their Dixiecrat past rang hollow. A primary defeat for a handpicked Republican Hispanic candidate in March didn't help. In one of the few attempts to speak Spanish from the stage, David Dewhurst, candidate for Lt. Governor, mangled the language with an atrocious accent and linguistic clumsiness, speaking about the need to embrace "Los Hispanicos."

After Dewhurst and the pretense of inclusion came the red meat the grassroots desperately wanted, when Phil Gramm and Dick Armey said their farewells. Armey defiantly told the crowd that he hoped he hadn't embarrassed them and they cheered "no." Armey's off-color cracks—he once called Representative Barney Frank, "Barney fag"—clearly lost him no points among delegates here. But it was Gramm who went out with a bang. He gloried that he had been "a storm trooper in the Reagan revolution." Then he turned his attack on the Democrats, accusing them of dividing Texans based on race for having a Hispanic and a black at the top of the ticket. "That's their dream and that is their vision," he snarled, in what could be a preview of race baiting tactics in the months to come.

Exulting in the slogan "we are the onramp to power," the anti-RINO group managed to get a modified Rule 43 out of the rules committee and onto the convention floor. But debate about it had been raging even before the convention began. Those who opposed it, although apparently outnumbered, fought vigorously. As Houston delegate Bill Borden said, "Rule 43 is the best way for Republicans to shoot ourselves in the one foot we have." Weddington and vice-chairman David Barton, another Christian conservative, distributed

flyers attacking the rule change. Many opponents pointed out that as Republicans struggle to reach out to Texas' growing minority population, rigid adherence to the platform could be counterproductive.

When Rule 43 at last came before all the delegates, a spirited debate ensued. Under the version presented on the floor, any candidate who failed to declare whether they approved, disapproved, or were undecided about each plank in the platform would be denied state party funds.

Several amendments were offered to strike the rule or defang it, and each time, they were beaten back. Finally the chairman on stage called for a vote. Although the volume of shouts of yeas and nays was remarkably close, it appeared the yeas had carried the day. It was at this point that rules chairman Tina Benkiser declared "the nays have it," and gaveled the convention to a close before anybody could dispute the ruling.

In the end, the anti-RINOs were remarkably sanguine in light of their previous stridency and the duplicitous way they lost the vote. "They railroaded it, but that's okay," said Robert Johnson. "We persuaded a lot of people and exposed the leadership's dirty tricks."

[Republicans in the Ascendency]

Perhaps the activists' sudden bout of acceptance can be traced to the fact Republicans are at the moment so clearly in the ascendancy. Currently they control both U.S. Senate seats and all 29 statewide offices as well as holding a majority in the state senate. According to Republican consultant Royal Masset, the victories are the fruit of a coalition of Rs and conservative Democrats that was 20 years in the making, and is currently at its peak. This November it's likely that Republicans will capture the last remaining prize of state politics, a majority in the state house and, possibly, the speakership.

The Christian right enthusiastically endorsed a resolution in the platform calling on Republican representatives to choose a new Speaker in a secret caucus of their own membership, instead of through a bipartisan vote. Tom Craddick from Midland, the longest serving Republican in the state house, desperately wants the job. He is also a favorite of the Christian Right, scoring a 79-percent rating in FreePAC's ranking of top conservatives in the 2001 Texas Legislature.

"Are you ready for a Republican Speaker supported by Republicans?" Weddington yelled from the stage at one point. "Then on to victory!"

Not so fast. Before the convention, a group of 23 Republican legislators released a letter criticizing the plan to pick a Speaker amongst themselves, who then would be imposed on the Democrats. The legislators tried to distinguish themselves from the "shrill partisanship" of the political parties. They also appealed to their fellow Republicans on the grounds of forward-looking pragmatism. Once the legislature was infected by polarization based on party, it would never be the same, they argued. It also might come back to haunt them.

"If the Democrats were to return to the majority at some point in the near future, as many experts predict, we Republicans would find ourselves shut out of the process," they wrote. "The choice we make now will shape the future and tenor of our state's government for generations."

It remains to be seen whether the same instincts for self-preservation that defeated Rule 43 will win the day in the much more important fight for Speaker. An acknowledgement that Republican hegemony might have an expiration date when Hispanics become a majority, rather than promoting caution, in some quarters seems to fuel a desire to ram as much of the conservative agenda through as possible. Now that they have won, Christian conservatives are anxious to enjoy the spoils of victory, bringing its own complications.

"Once you are rising, everyone loves the momentum and they love the fact they're winning," notes Masset. "Once you've peaked, you have the normal infighting."

In the short term Republicans should continue to maintain dominance, asserts Masset. The Democratic hope for a winning political future based on Hispanic votes won't materialize in this election. Outside of the Valley, Hispanics are still not organized enough in the major cities to make a difference for Democrats for at least a generation, he believes. During that time, Republicans must do a better job of wooing Hispanics and controlling internal bickering. At the 2002 convention, titled "the Year of Emergence," they showed little aptitude for either.

4.2 Swept Away*

Paul Burka

The Election Day rout confirmed what we've known, or should have known, all along: Texas is a Republican state. And that's not going to change anytime soon.

Welcome to the new world of Texas politics. The Republicans have it all now: every statewide office, solid majorities in both houses of the Legislature, and Speaker of the House (although that won't be official until January). Yet that list doesn't come close to capturing the magnitude of the GOP sweep. The Republicans didn't just win; they crushed the Democrats. Not a single statewide race was close. Governor Rick Perry won reelection by eighteen points despite being outspent nearly three to one by Tony Sanchez. Of the 23 swing legislative races, Republicans won 18, most by decisive margins. In the governor's race, Sanchez carried just seven counties north of Interstate 10. Sixteen votes in Fisher County, on the South Plains, prevented Perry from winning every county in the northwest quadrant of the state. A pretty good election analysis could be compressed into eleven words: "There are a heck of a lot of Republicans in Texas."

The rout is all the more impressive because the Democrats mounted an all-out effort to regain their lost glory. They formulated a strategy based on the premise that a normal turnout of Hispanic voters in 1998 would have resulted in the election of two Democrats, John Sharp as lieutenant governor and Paul Hobby as comptroller. The low Hispanic turnout that year (somewhere between 12 percent and 16 percent of the total vote) was blamed on the absence of a prominent Hispanic on the ticket after Attorney General Dan Morales decided not to seek reelection. You know the rest: Sharp persuaded Sanchez to run, and Sanchez agreed to spend whatever it took to win; then, for good measure, Ron Kirk, the African American former

*Reprinted with permission from *Texas Monthly,* December 2002 (www.texasmonthly.com/mag/issues/2002-12-01/btl.php?997084773).

mayor of Dallas, won a three-way primary to become the nominee for the U.S. Senate. The piece that completed the puzzle was the Bush factor in reverse: For the first time in three election cycles, George W. was not on the ballot. The game plan was perfect. Why didn't it work? To see where the Democrats did wrong, let's take a look at the numbers.

They alienated the white vote. The problem with any strategy predicated on minority turnout is that almost three fourths of the people who vote in Texas are white. Democrats typically need a little more than a third of the white vote to win, yet Republican tracking polls just before Election Day showed Sanchez getting far less—around 28 percent. Sanchez did aim his TV campaign at white voters, using rising homeowners' insurance rates against Perry and airing a video of Perry, as lieutenant governor, asking a female state trooper to let him "get on down the road" after a traffic stop. But he could never overcome the unfavorable first impression created during the Democratic gubernatorial primary. Faced with an unexpected challenge by Dan Morales, who had superior name identification, Sanchez was forced to fight for the Hispanic vote. Morales, an opponent of affirmative action, accused Sanchez, who favors it, of running for governor of Mexico. Sanchez challenged Morales to a debate in Spanish, hoping to expose Morales' fluency as insufficient. The public spectacle of a battle over who was "more Hispanic" alienated a lot of Anglos. In making race an issue, Morales said things Perry never could have—imagine the chorus of condemnation if Perry had accused Sanchez of running for governor of Mexico—and handed the Republicans an issue they would later capitalize on, defining the "dream team" of Sanchez and Kirk as a quota system.

They overestimated Hispanic solidarity. The governor's race turned on two competing views of Hispanics. The Sanchez campaign viewed them as a monolithic Democratic constituency and expected to get at least 80 percent of their votes. The Perry campaign embraced Karl Rove's view of Hispanics as an increasingly diverse community, some of whose members, because of strong family and religious ties or economic issues, are receptive to a conservative message. The Sanchez view was correct—in one county, that is. Webb, which includes Sanchez's home base of Laredo, gave him a margin of 35,101 to 3,958, or 89 percent of the vote to Perry's 10 percent. Elsewhere, though, the GOP view prevailed. In Nueces County, which includes Corpus Christi, Perry fought Sanchez to a draw. In Cameron County, Perry got 39 percent of the vote. Some of Perry's support came from Anglos, of course, but Republican pollster Mike Baselice estimates that he won at least a third of the Hispanic vote statewide.

They overestimated Hispanic turnout. Democrats had Republicans worried, no doubt about that. The probability of an explosion of new voters was tiny, but GOP candidates feared the sleeping giant nevertheless. Once again, the Sanchez strategy worked in Webb County, where the total turnout, 42 percent, was higher than in Collin County, a Republican stronghold that includes Plano. Yet the other big Hispanic counties along the Rio Grande—Cameron, Hidalgo, El Paso—all failed to reach 30 percent in total turnout. An even bigger problem for Sanchez was the state's two biggest counties, Harris and Dallas, each of which have more Hispanic residents than the Lower Rio Grande Valley. In Dallas County, two state legislative races in predominantly Hispanic districts had total turnouts of only 13,000 each (the total population of legislative districts is approximately 130,000). But contested legislative races in Republican areas routinely drew in excess of 30,000 voters. In Harris County, it was the same song, second verse. "Republican turnout was at or

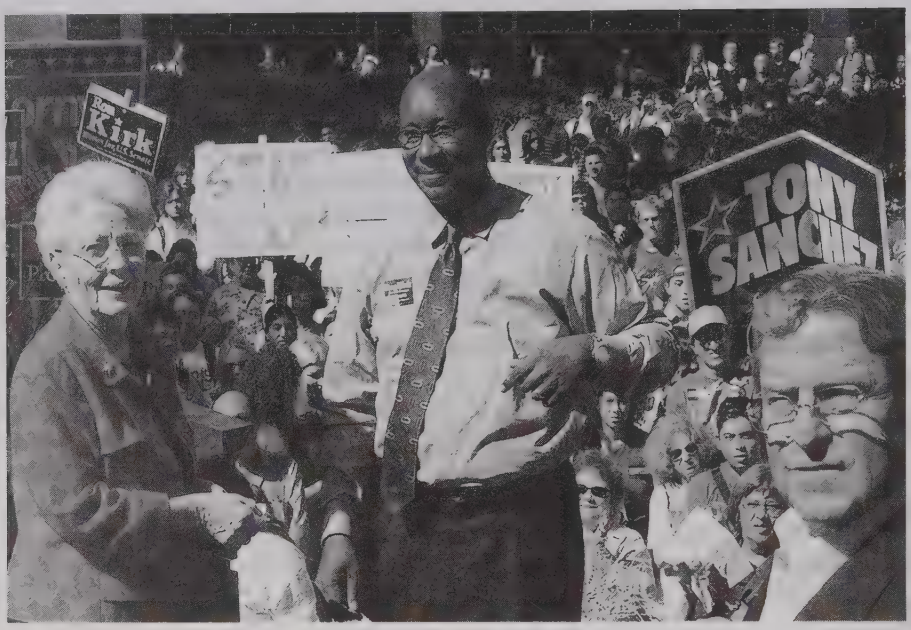
above normal levels," says University of Houston pollster and political analyst Richard Murray. "But in the traditional barrio neighborhoods, it was low. It was better in mixed precincts, like in Pasadena, where upwardly mobile Hispanics have been moving."

They counted on ticket splitters. Sanchez was relying on some conservative business support, from colleagues in the banking and oil-and-gas communities and from constituencies offended by Perry's veto binge after the 2001 legislative session, notably doctors, hospitals, and other health care providers. It never materialized: The most startling development of the 2002 election was the disappearance of the ticket splitter from Texas politics. This didn't affect the outcome of Sanchez's race, but it did doom Democratic lieutenant governor candidate John Sharp to defeat at the hands of David Dewhurst, a result that many political pros in both parties considered an upset. Sharp had served eight years as comptroller before losing narrowly to Perry in the 1998 lieutenant governor's race with 48 percent of the vote—seventeen percentage points ahead of Garry Mauro. This year, Sharp did worse, finishing with 46 percent of the vote against Dewhurst. He ran only six points ahead of Sanchez.

What happened to the ticket splitters? Take a look at Smith County, a Republican bastion that includes Tyler. Like many East Texas counties, Smith is one where voters have a tradition of picking and choosing as they move down the ballot. In 1998 Bush beat Mauro there 75 to 24, but Sharp held Perry to 62 percent—a thirteen-point improvement. This year, Perry won the county 70 to 29, but Dewhurst prevailed 64 to 35, a drop-off of only six points. In one election cycle, half the ticket splitters had disappeared.

The inescapable conclusion is that Texas is an overwhelmingly Republican state. The GOP is where the Democrats used to be thirty years ago: In down-ballot races where voters know very little about the people running, the Republican is the default choice for most white voters. Greg Abbott, newly elected as attorney general, told me early in the campaign that he would win because voters had gotten in the habit of voting for Republicans in court races where they didn't know any of the candidates, and they would regard the AG's race as a court race. Indeed, a race for the Supreme Court this year exhibits just how little ticket splitting occurs down ballot. Democrat Margaret Mirabal picked up just about every endorsement in her Supreme Court race against Steven Wayne Smith, whose outspoken comments in opposition to affirmative action at colleges and universities were at best politically incorrect and at worst just short of racist. Mirabal got 46 percent of the vote, two to three points more than the three Democrats who sought other seats on the court. That difference is what is left of the informed ticket-splitting vote.

So complete was the Republican victory that it calls into question whether the Democratic party has any near-term future in Texas. If the Democrats, having the advantage of limitless financial resources, couldn't come within twenty points of a governor whose approval rating and record are mediocre, what hope do they have? It is true that Sanchez had terrible baggage in his management of his bank two decades ago, but when you get beat as bad as he did, you were never going to win. Furthermore, the formula for winning that the Democrats envisioned didn't work and is not going to. Hispanics are not going to vote in large numbers, at least not anytime soon. We are barely one generation into the upwardly mobile phenomenon noted by Richard Murray; it may take another generation before the numbers really get big.



Texas Democratic gubernatorial candidate Tony Sanchez (right) is shown with former Texas Governor Ann Richards (left) and U.S. Senate candidate Ron Kirk (center), at a rally on the University of Texas campus on Wednesday, 30 October 2002, in Austin, Texas. (Harry Cabluck/AP-Wide World Photos)

The issue for the Democrats is not only who is going to vote for them but who is going to run. The party has no bench. With no statewide officeholders who can move up, the Democrats' best hope to establish a beachhead is big-city mayors, but two of those lost this time (Ron Kirk of Dallas and Kirk Watson of Austin). A woman might have better luck: Laura Miller of Dallas, for example, but she is more liberal than either Kirk or Watson, both of whom were successfully tagged with the liberal label. In the meantime, all the Democrats can do is wait for the Republicans to make a mistake, and even that might not be enough. There are a heck of a lot of Republicans in Texas.

Chapter 5

The Politics of Interest Groups



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Money and politics have become almost synonymous. Texas politicians need funding to finance their campaigns and to discourage others from running against them. Interest groups want favorable laws and policies from elected decision makers. Usually, efforts by well-financed interest groups are successful, particularly if an interest group has helped to raise money for a politician's campaign. The cartoon opening this chapter suggests that a hold-up demand should be constitutionally protected speech, as is buying influence with campaign contributions from individuals and political action committees.

Politics typically focuses on the nomination and election of individuals to public office. There is, however, much more to it than that. Politics is perhaps best understood as the process of influencing public policy decisions to protect and preserve a group, to achieve the group's goals, and to distribute benefits to the group's members. Organized citizens demand policies that promote their group's financial security, education, health, and welfare, as well as its protection.

Because government makes and enforces public policy decisions, it is not surprising that efforts are made to influence those officials who make and apply society's rules or policies. One important approach is through group action. History shows that people who organize for political action tend to be more effective in achieving their goals than persons acting alone.

Interest Groups in the Political Process

When attempting to influence political decisions or the selection of the men and women who will make them, people usually turn either to political parties (examined in the chapter "The Politics of Elections and Parties") or to interest groups (the subject of this chapter).

What Is an Interest Group?

An **interest group** may be identified as a pressure group, special-interest group, or lobby. It is an organization whose members tend to share common views and objectives. To promote their interests, such groups engage in activities designed to influence government officials and policy decisions. Some examples of interest groups in action during the 2003 Texas legislative session included the Independent Colleges and Universities of Texas (ICUT), which lobbied the legislature against cuts for the Texas Equalization Grants (TEG) and Texas Grants Scholarship Programs for college students, and the Texas Coalition to Abolish the Death Penalty, which continues to actively lobby for a moratorium on the death penalty.

Political Parties and Interest Groups

Although both political parties and interest groups attempt to influence policy decisions by government officials, they differ in their methods. The principal

purpose of party activity is to gain control of government in order to achieve party goals. In contrast, an interest group seeks to influence government officials (regardless of their party affiliation) to the advantage of the group. Interest groups try to influence policy decisions in the following ways:

- By using persuasion to mobilize their own members and supporters
- By attempting to sway public opinion
- By building coalitions with other groups, whose interests are identical or closely related, on one or more issues
- By obtaining access to key decision makers
- By influencing elections

Generally, an interest group wants government policies implemented in ways that benefit the group without necessarily placing its own members in public office.

Economic groups (for example, the Texas Bankers Association) and social groups (such as the Texas Congress of Parents and Teachers) serve as vehicles whereby policy preferences of special interests are made known to government officials. As intermediaries for people who share common interests but reside throughout the state, interest groups in effect supplement the formal system of geographic representation used for electing many officeholders. In essence, such organizations provide an internal system of functional representation. They offer a form of protection for such groups as businesspeople, laborers, farmers, Roman Catholics, Latinos, teachers, physicians, and college students across the state. These groups are composed of people who have similar interests but who may not constitute a majority in any city, county, legislative district, or state.

Factors Fostering Interest Group Formation

The growth and diversity of interest groups in the United States continue unabated. There are a number of reasons interest groups proliferate in Texas and throughout the country.

Legal and Cultural Influences In ***NAACP* v. *Alabama*** (1958), the U.S. Supreme Court recognized the **right of association** as part of the right of assembly granted by the First Amendment of the U.S. Constitution. This decision greatly facilitated the development of interest groups. As a result, the right of individuals to organize into groups for political, economic, religious, and social purposes is ensured.

The nation's political culture has traditionally encouraged individuals to organize themselves into a bewildering array of associations—religious, fraternal, professional, and recreational, among others. Americans have responded by creating literally thousands of such groups. Social movements during the 1960s and 1970s also sparked interest group activity. New groups formed on issues surrounding civil rights, women's rights, and opposition to the Vietnam War.

Decentralized Structures of Governance In a **decentralized government,** power is not concentrated at the highest level. Decentralization is achieved in two principal ways. First, the federal system divides power between the national government and the 50 state governments (as explained in the chapter "Federalism and the Texas Constitution"). In turn, each state shares its power with a wide variety of local governments, including counties, cities, and special districts. Second, within each level of government, power is separated into three branches or departments: legislative, executive, and judicial. This separation of powers is especially apparent at the national and state levels.

A decentralized structure increases the ability of interest groups to influence governmental activities. This structure provides different access points for groups to fight their battles at different levels of government and within different branches at each level. Dispersal of power within branches or departments of government, therefore, enhances an interest group's chance of success. Divided power also makes public officials more vulnerable to interest group influence.

Decentralized Party System and Deemphasized Ideologies Two other factors that have precipitated interest group activity are a decentralized political party system and deemphasized ideologies. First, the absence of unified and responsible political parties further magnifies opportunities for influential interest group action. Policymakers (both state and local) can be particularly affected by the lack of strong, organized political parties. A united, cohesive party can provide policymakers with a concrete agenda and political strength to resist pressure from well-organized interest groups. In recent years, Texas has experienced stronger party competition, which should produce more party unity, but interest groups still continue to exert heavy influence over the state's officials. Second, ideologies—well-developed systems of political, social, and economic beliefs—are not strong factors in Texas politics, nor within the two major political parties. Also, Texas voters do not typically act in accordance with their commitment to ideological programs (although the growth of faith-based social conservatives spurred by the Christian Coalition has influenced voters within the Republican Party). Thus, appeals of interest groups fall on more receptive ears than if citizens, political parties, and political leaders were dedicated to ideological objectives.

Organization of Interest Groups

As defined, an interest group is an organization of individuals who seek to influence governmental decisions, usually without trying to place the group's own members in public office. The organization provides members with information and benefits, and it generally tries to get them involved in the political process. Such a description suggests that any organization becomes an interest group when it influences or attempts to influence governmental decisions.

Organizational Patterns

Observation reveals that interest groups have certain **organizational patterns.** There are almost as many organizational patterns as there are interest groups. This variety arises from the fact that, in addition to lobbying, most interest groups carry on nonpolitical functions of paramount importance to their members. A religious organization, for example, tends to emphasize charitable and spiritual activities, but on occasion it may undertake political activity.

Some interest groups are highly centralized organizations in which a group takes the form of a single body without affiliated local or regional units. An example of such a centralized group currently operating in Texas is the National Rifle Association (NRA). Other groups are characterized as decentralized, consisting of loose alliances of local and regional subgroups. Their activities may be directed at either the local/state level or the national level. Many trade associations (such as the Texas Association of Business and Chambers of Commerce) and labor unions (such as those affiliated with the American Federation of Labor-Congress of Industrial Organizations [AFL-CIO]), are examples of decentralized organizations active in Texas politics. Social organizations, including the National Women's Political Caucus and Common Cause, usually have both state and local chapters in Texas.

Membership

Interest groups are composed chiefly of persons from professional and managerial occupations. They are individuals who already tend to have greater resources than most people. For instance, members are more likely to be homeowners with high levels of income and formal education who enjoy a high standard of living. Participation, particularly active participation, varies. Many citizens are not affiliated with any group, whereas others are members of several. One study found that one of every four Americans is affiliated with three or more interest groups.[1]

Leadership

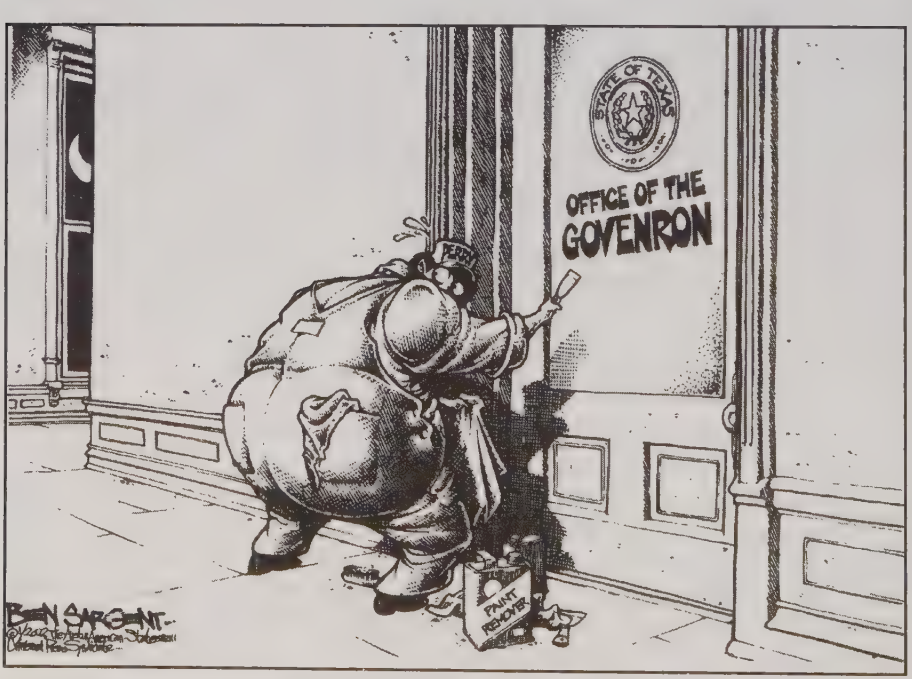
An organized group of any size is usually composed of an active minority and a passive majority. As a result, decisions are regularly made by a small number of members. These decision makers may range from a few elected officers to a larger body composed of delegates representing the entire membership. The general pattern is that organizations tend to leave decision making and other leadership activities to a few people. Widespread apathy among rank-and-file members and the difficulty of dislodging entrenched leaders probably account for limited participation in most group decisions.

Other factors influence **group leadership.** These include the financial resources of the group (members who contribute most heavily usually have

greater weight in making decisions); the time-consuming nature of leadership duties (only a few people can afford to devote much of their time without compensation); and the personality traits of leaders (some individuals have greater leadership ability and motivation than others).

Classification of Interest Groups

The increasing diversity of American interest groups at the national, state, and local levels of government permits them to be classified in several ways. Not only can they be studied by organizational patterns but they can also be categorized according to the level or branch of government to which they direct their attention. Some groups exert their influence at all levels of government and on legislative, executive (including administrative), and judicial officials. Others may try to spread their views among the general public and may best be classified according to the subject matter they represent. Some groups do not fit readily into any category, whereas others fit into more than one.



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Economic Groups

Many interest groups exist primarily to promote the economic self-interest of their members. These organizations are commonly known as **economic interest groups**. Traditionally, many people contribute significant amounts of money and time to obtain financial benefits. Thus, some organizations exist to further the economic interests of a broad group, such as trade associations. Others are created to protect the interests of a single type of business, such as restaurant associations. The Texas Association of Business and Chambers of Commerce is an example of a broader type of interest group known as an umbrella organization. Then there are individual corporations, such as the bankrupt Enron Corporation, that use the political process to promote the company's particular economic interests. Ben Sargent's cartoon suggests undue influence in the governor's office by Enron prior to its financial collapse.

Business Groups Businesspeople understand they have common interests that may be promoted by collective action. They were among the first to organize and press for adoption of favorable public policies by national, state, and local governments. **Business organizations** typically advocate lower taxes, a lessening or elimination of price and quality controls, and minimal concessions to labor unions. At the state level, business organizations most often take the form of trade associations (groups that act on behalf of an industry). Some of the many Texas trade associations are the Texas Association of Builders, the Texas Good Roads and Transportation Association, and the newly formed insurance group Texas Coalition for Affordable Insurance Solutions. (See Table 5.1 for a listing of Texas trade associations.)

Generally, Texas businesses and their representatives have been successful in past legislative sessions by having many of their policy preferences enacted into law. The 75th legislative session in 1997 was an exception. Issues such as juvenile justice, funding for education at all levels, and property tax reform pitted businesses against one another and shattered their united front. Two years later, the 76th legislative session was more beneficial to business groups. For example, they were able to get significant tax breaks. Specifically, in 1999 the legislature approved a $1.3 billion package of property tax cuts, benefiting businesses directly. Under GOP control in 2003, the 78th Legislature passed many "business friendly" bills.

Labor Groups Unions representing Texas workers are relatively active, but not as numerous or powerful as business-related groups. The state's **labor organizations** seek, among other goals, government intervention to increase wages, obtain adequate health insurance coverage, provide unemployment insurance, and promote safe working conditions.

Table 5.1 Texas Trade Associations (by Industry)

General
Texas Association of Business and Chambers of Commerce
Texas Industrial Development Council
Texas Retailers Association
Texas Society of Association Executives[a]
Texas Chemical Council

Oil and Gas
Texas Independent Producers and Royalty Owners Association
Texas Mid-Continent Oil and Gas Association
Texas Oil Marketers Association

Banking and Finance
American Institute of Banking
Independent Bankers Association
Texas Bankers Association
Texas Financial Service Association
Texas Savings and Community Bankers Association

Insurance
Texas Association of Life Underwriters
Texas Life Insurance Association

Building and Construction
Associate General Contractors of Texas
Home Builders Association
Texas Association of Builders

Roads and Transport
Texas Good Roads and Transportation Association
Texas Independent Automotive Association
Texas Motor Transport Association
Texas Railroad Association
Texas Tank Truck Carriers Association

Entertainment
Texas Association of Broadcasters
Texas Cable TV Association
Texas Bowling Centers Association

Food and Drink
Texas Brewers Institute
Texas Food Processors Association
Texas Soft Drink Association

Agriculture
Texas Allied Poultry Association
Texas and Southwestern Cattle Raisers Association
Texas Quarter Horse Association
Texas Wine and Grape Growers Association

Realty and Realtors
Texas Apartment Association
Texas Association of Realtors

[a]The Texas Society of Association Executives lobbies on behalf of trade association officials who head more than 600 interest groups and more than 500 businesses that provide services to trade associations.

Texans are traditionally sensitive to the potential political power of organized labor, especially since the enactment of a right-to-work law, but three industrial labor organizations are generally regarded as significant in Texas government. These are the Texas affiliates of the AFL-CIO (comprising approximately 60 percent of all Texas union members), Teamster locals, and the Texas Oil and Chemical Workers Union. For a highly industrialized state with a large population, union membership in Texas tends to be small compared to that of other states. Recent reports by the AFL-CIO indicate that it has more than 1,300 local unions in Texas, with a total of 230,000 members.

Professional and Government Employee Groups

Closely related to economic interest groups are groups dedicated to furthering the interests of a profession or an occupation.

Table 5.2 Texas Professional and Occupational Associations

Health Related	**Education Related**
Texas Dental Association	Texas Federation of Teachers
Texas Health Care Association	Texas Association of College Teachers
Texas Hospital Association	Texas Classroom Teachers Association
Texas Medical Association	Texas Congress of Parents and Teachers
Texas Ophthalmological Association	Texas Junior College Teachers Association
Law Related	Texas State Teachers Association
Criminal Defense Attorneys Association	**Miscellaneous**
Texans for Lawsuit Reform	Association of Engineering Geologists
Texas Civil Justice League	Cotton Growers Co-operative Association
Texas Trial Lawyers Association	Texas Family Planning Association
	Texas Society of Architects
	Texas Society of Certified Public Accountants
	Texas Transportation Society

Professional Groups Standards of admission to a profession or an occupation and the licensing of practitioners concern **professional groups.** Examples of Texas professional and occupational associations are the Texas Trial Lawyers Association, the Texas Health Care Association, and the Texas Society of Certified Accountants. (See Table 5.2 for a list of some of the more important Texas professional and occupational associations.) In 1999, physicians won a significant victory in the 76th Legislature when Texas became the first state to allow doctors to bargain collectively over fees and policies with health maintenance organizations (HMOs).

Government Employee Groups Officers and employees of state and local governments organize to obtain better working conditions, higher wages, more fringe benefits, and better retirement packages. Teacher groups, for example, made some headway in the 76th legislative session. Senate Bill 5 allocated $2 billion to fund a $3,000 pay raise for every public school teacher, librarian, and registered school nurse in Texas. Building on their momentum, teacher groups successfully pushed a plan to fully or partially fund state-supported health insurance for public school teachers and other school employees, both active and retired. Teacher groups continue to lobby the legislature for a $5,000 salary increase that would place Texas teachers at par with the national salary average. In addition, when the 78th Legislature faced a budget crisis in 2003, teacher groups actively lobbied the legislature against cuts in education funding. These groups included the Texas State Teachers Association (TSTA), Texas Federation

of Teachers (TFT), Texas Association of College Teachers (TACT), and Texas Community College Teachers Association (TCCTA).

Among state government employees, the largest group is the Texas Public Employees Association (TPEA). City government groups include the Texas City Management Association and the Texas City Attorneys Association. Through their organizational activities, **public officer and employee groups** resist efforts to reduce the size of state and local governmental bureaucracies (although not always with success). The County Judges and Commissioners Association of Texas and the Justices of the Peace and Constables Association of Texas, for example, have been instrumental in blocking some measures designed to reform justice of the peace courts and county courts in Texas.

Social Groups

There is a wide array of **social interest groups.** These include racial and ethnic organizations, civil rights organizations, gender-based organizations, and religious-based organizations.

Racial and Ethnic Groups Leaders of **racial and ethnic groups** recognize that only through effective organizations can they hope to achieve their cherished goals. Some examples include eliminating racial discrimination in employment, improving public schools, increasing educational opportunities, and obtaining greater representation in state legislatures, city councils, school boards, and other policymaking bodies of government.

One formidable group, the National Association for the Advancement of Colored People (NAACP), is an effective social group. The organization has been successful in influencing public policies relating to school integration and local government redistricting. The NAACP also fought for hate crimes legislation that enhances penalties for crimes based on race, color, disability, religion, national origin, gender, or sexual preferences.[2]

In Texas, Latino groups, especially Mexican American organizations, are more numerous than African American groups. The oldest Latino group, the League of United Latin American Citizens (LULAC), was founded in 1929. It has worked to achieve equal educational opportunities for Latinos, as well as full citizenship rights. The Mexican American Legal Defense and Education Fund (MALDEF) targets the courts in its efforts to obtain political equality for Latinos. These organizations have been instrumental in addressing inequitable funding allocations for public schools serving Latino children and for universities in South Texas. In 2001, several Latino-based organizations (including the William C. Velasquez Institute of San Antonio) were actively involved in trying to influence U.S. congressional and state legislative redistricting.

Women's Groups The Women's Political Caucus of Texas is an example of a **women's organization** that promotes equal rights and greater participation by

women in the political arena. The League of Women Voters of Texas is a nonpartisan organization advocating greater political participation and public understanding of governmental issues. It also assists voters in becoming more informed by publishing *The Texas Voters Guide,* which provides information about elections, candidates, and candidates' positions on various issues.

Religious-Based Groups The Christian Coalition is an example of a **religious-based group.** With millions of Texans identifying themselves as conservative Christians, the organization has emerged as one of the state's most influential political forces. It is an interest group that engages in political action primarily within the Republican Party. Issues that have precipitated the Christian Coalition's entrance on the political scene are abortion, homosexuality, limits on prayer in public schools, and the decline of the traditional nuclear family.[3]

In 1995, Cecile Richards (daughter of former governor Ann Richards) played a leading role in organizing the Texas Freedom Network to oppose the Christian Coalition. Others created a similar group, the Texas Freedom Alliance. Both organizations watch the activities of right-wing conservatives, muster liberal and mainstream voters, and provide an alternative voice on current political issues.[4] The Texas Faith Network, also formed in 1996, calls on religious leaders statewide to resist Christian Coalition tactics intended to influence political conservatives (usually Republicans).

Another religious-based organization, the Texas Industrial Areas Foundation (IAF), operating in cities such as Dallas and in the Rio Grande Valley, supports increased funding for parent and teacher training and for making it easier for children to qualify for Medicaid.[5] Valley Interfaith, made up primarily of churches and schools, has been successful in lobbying the Brownsville school district to increase wages for employees, and indirectly influencing other public institutions and companies to provide a "living wage" for their workers. In addition, sister organizations in San Antonio—Communities Organized for Public Service (COPS) and Metro Alliance—successfully lobbied the 77th Legislature to pass a bill that allows cities to use sales taxes to create job training and early childhood development programs.[6] More recently, COPS and Metro Alliance joined forces with environmental groups in San Antonio to oppose the construction of a professional golf resort over the Edward's Aquifer Recharge Zone. (See Reading 5.1, "PGA Village," for more on the dynamics surrounding this controversy.)

Public Interest Groups

Unlike most interest groups, **public interest groups** claim to promote the general interests of society rather than narrower private or corporate interests. Environmental, consumer, political participation, and public morality organizations

Table 5.3 Texas Public Interest Groups

Consumer	**Public Participation**
Consumers Union	Association of Community Organizations for Reform Now (ACORN)
Texas Citizen Action	Communities Organized for Public Service (COPS)
Texas Consumer Rights Action League	Public Citizen
Environmental	Texas League of Women Voters
Environmental Action for Texas	**Public Morality**
Residents Against Petrochemical Encroachment	American Family Association
Texas Wildlife Association	Mothers Against Drunk Driving (MADD)
	National Organization for the Reform of Marijuana Laws (NORML)
	Texas Right to Life Committee
	Texas Abortion Rights Action League

are often identified as public interest groups. (See Table 5.3 for a listing of some Texas public interest groups.)

Public interest organizations pursue diverse goals. Common Cause of Texas, for example, focuses primarily on governmental and institutional reform. It supports open-meeting laws, public financing of political campaigns, registration of lobbyists, and financial disclosure laws. Texans for Public Justice also supports efforts toward campaign finance reform. This group seeks limitations on campaign contributions by political action committees and individuals, and it calls for electronic filing of reports on campaign contributions. (See Reading 5.2, "Political Watchdogs on Patrol.")

Texas Power Groups

Texas legislators readily identify the types of interest groups they consider most powerful: business-oriented trade associations (oil and gas, chemical industry, and insurance), professional associations (physicians, lawyers, and teachers), and labor unions. Other groups wielding considerable influence include brewers, truckers, automobile dealers, bankers, and realtors.

There are a number of ways to determine which interest groups are **power groups**. For one, these groups maintain strong linkages with legislators (whose policy decisions affect group interests) and with bureaucrats (whose regulatory activities control the operations of group members). They are often considered "repeat players" in Texas politics, meaning they have been influencing politics over a long period of time.

Another indication of the power influence of groups is that they are likely to have their headquarters in Austin. More than 60 associations that are business related, for example, own a headquarters building in the state capitol.

Others lease or rent buildings and office suites. This proximity provides regular contact with state officials and gives the associations a path to influence in state government.[7]

Among the most influential business power groups operating in Texas are the Alliance for Responsible Energy Policy (representing the Texas Railroad Association); the Texas Mining and Reclamation Association; the Association of Electric Companies of Texas; ConnecTexas (which lobbies for the Texas Telephone Association); Southwestern Bell; and GTE Southwest. Other powerful interest groups include the Texas Conference for Homeowners' Rights, the Texas Bankers Association, the Independent Bankers Association of Texas, and the Texas Credit Union League.

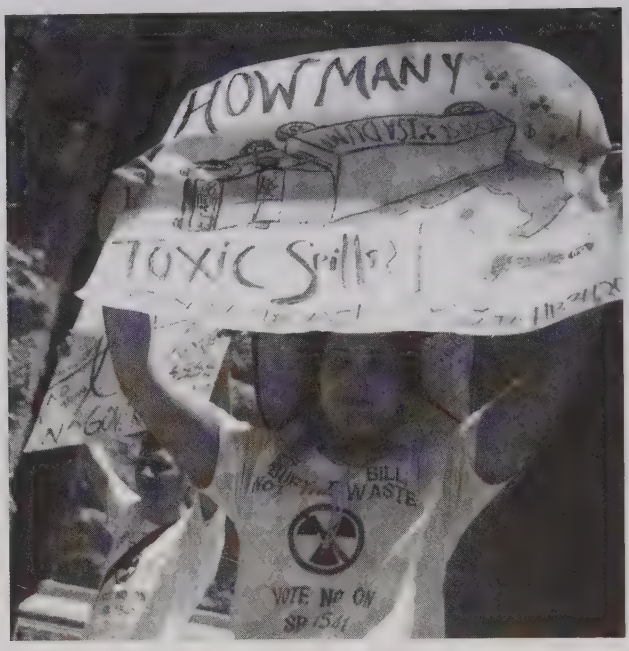
Another increasingly influential group is the Texas Medical Association (TMA). With a well-organized grassroots network, a skilled lobbying team, and more than 32,000 physicians licensed in Texas, TMA is one of Texas's most powerful professional groups. According to the TMA's figures, the group succeeded in passing as much as 90 percent of their agenda items in the late 1990s.[8]

Interest Group Activities

When interest groups urge their members and others to become actively involved, or even to consider running for public office, they are getting people to participate in the political process. Moreover, they also benefit from having their supporters serve in decision-making positions. Local property taxpayers' associations, for example, frequently put forward candidates for public school boards and municipal offices in an effort to keep property taxes at a minimum. Likewise, when organizations of real estate agents place their members in appointed positions on local planning and zoning commissions, they gain a distinct advantage.

Interest groups serve as an outlet for discussions concerning policy issues. In doing so, they define conflict and consensus. Conflict is the more usual outcome because each group is bent on pursuing its own limited ends. This, in turn, leads to clashes with other groups seeking their own ends. Conflict becomes an even bigger problem when addressing controversial issues, such as environmental protection.

In 1999, abortion was a contentious issue within the 76th Legislature. The Texas Abortion Rights Action League and the Texas Right to Life Committee clashed over legislation requiring doctors to notify parents when minors seek abortions. Supported by Governor George W. Bush, a bill requiring parental notification or judicial approval passed both houses and became law. Subsequently, a number of Texas Supreme Court holdings have interpreted the abortion law, either allowing an abortion or directing the female to appear before a trial judge who must reconsider denying an abortion without parental notification.[9]



Protesting radioactive waste policies in front of the Capitol in Austin. (Senate Media Services)

Because governments need support for their policies, interest groups seek to build that support, particularly for policies that are part of the group's goals and interests. For example, in 1997, the Texas State Teachers Association (TSTA) supported legislative efforts to increase the number of offenses for which disruptive students can be expelled from public schools. In contrast, the TSTA openly opposed legislative efforts to adopt a pilot program for school vouchers that was considered in 1999. A similar proposal was defeated by the 77th Legislature but was reconsidered by the 78th Legislature in 2003.

Points to Ponder

The 78th Legislature in 2003 considered a proposal for a four-year pilot program of publicly funded vouchers for private schools. The program applied to the state's six largest districts. Teachers' organizations, such as TSTA, successfully lobbied against it.

Techniques of Interest Groups

Political scientists know that interest groups use a wide range of techniques to influence policy decisions. These **interest group techniques** may be classified as lobbying, personal communication, favors and gifts, grassroots activities, electioneering, campaign financing by political action committees, and (in extreme instances) bribery and unethical practices.

Lobbying

Perhaps the oldest, and certainly the best-known, interest group tactic is **lobbying.** It is carried out by lobbyists, individuals who attempt to influence government decision makers on behalf of others. Lobbying is most often directed at legislators and the lawmaking process, although it is also practiced within state agencies.

Not all lobbyists are full-time professionals. Most work for businesses and only occasionally go to Austin to speak to lawmakers about their concerns. There are also lobbyists who represent cities and counties. (See Reading 5.3, "Taking Part in the Texas Municipal League's Lobbying Effort.")

In 2001, during the 77th regular session of the Texas Legislature, there were nearly 1,600 lobbyists registered, outnumbering legislators by a margin of roughly nine to one.[10] Lobbyists are hired by a variety of interest groups and organizations through contracts. Identifying interest groups that hire lobbyists is one way to determine which interests are being represented before the state legislature and which are not. According to Texans for Public Justice, during the 77th legislative session, lobbying contracts by interest groups representing energy–natural resources (including those by Enron Corporation) accounted for 17 percent of all the money spent on lobbying. The study identified two additional categories, ideological and single-issue contracts (including contracts made by cities such as Houston, Austin, and San Antonio) and communications and electronics contracts, accounting for 13 percent of all money spent on lobbying. The top three lobby clients included Southwestern Bell, Electronic Data Systems Corp., and Dupont.[11]

Points to Ponder

Nationally, Texas ranks second (behind California) in 2000 in the number of registered lobby groups. California has 2,324 registered special-interest groups, while Texas has 2,119. Texas ranks first in the number of lobbyists registered by four of the six industry groups. Insurance, health services, oil and gas, and electric utilities hire the most lobbyists.

Source: Center for Public Integrity, **www.50statesonline.org**.

The first task of the lobbyist is to gain access to legislators and other government decision makers. Once the lobbyist has made personal contact with a legislator and captured the desired attention, he or she may use a variety of techniques to make the government official responsive to the group's demands, preferences, and expectations.

Personal Communication

One of the main lobbying techniques is personal communication. The immediate goal of lobbyists is to inform the legislators of their group's position on an issue. Since lobbyists are often experts in their field (or in some cases former state officials), their tool of influence is the information and research they convey to state legislators.



Members of the National Committee for Jewish Women meet with Texas senator Rodney Ellis. (Senate Media Services)

In addition, because the process requires careful strategy, the lobbyist chooses the most appropriate time and place to speak with an official and determines how best to phrase arguments designed to have a positive impact. For maximum effectiveness in using this technique, a lobbyist must select the proper target (for example, a key legislative committee chair, regulatory agency administrator, county commissioner, or city zoning board member). Successful lobbyists tend to rely heavily on computers, calculators, pagers, cellular telephones, Internet communications, and other high-tech devices to store and communicate information. In fact, an important study of interest group politics in Texas has concluded that lobbying in the Lone Star State has shifted from an emphasis on personal argument to information-based communications.[12]

A former Texas legislator compared lobbyists to pharmaceutical salespeople who explain new medicines to doctors too busy to keep up with the latest developments. To perform their jobs effectively, successful lobbyists should clearly indicate who they represent, define their interests, make clear what they want to do and why, answer questions readily, and provide enough information for politicians to make judgments. Successful lobbyists befriend as many legislators as possible, especially influential legislative leaders, and get

to know their interests and needs. Lobbyists also put pressure on sympathetic legislators to influence other legislators.

Favors and Gifts

Another lobbying technique involves providing favors for legislators and other government decision makers. Some common favors include arranging daily or weekly luncheon and dinner gatherings; providing free liquor, wine, or beer; furnishing tickets for entertainment events, air transportation, and athletic contests; and giving miscellaneous items.

Grassroots Activities

Yet another influential technique is one often referred to as grassroots lobbying. Lobbyists rely heavily on pressure from a grassroots network of organization members and sympathizers. Interest groups will attempt to create an image of broad public support for a group's goals—support the group can readily mobilize when the situation demands. They use such political campaign techniques as direct mailings, television and newspaper advertisements, and local group action. Recently, there has been a tendency to use the Internet as a forum for grassroots lobbying. The purpose of these communication methods is to generate information favorable to an interest group's cause and to spread it widely among legislators, other policymakers, and the general public. The Texas State Teachers Association (TSTA) and the National Rifle Association (NRA) are extremely effective at rallying grassroots support.

Electioneering

Participating in political campaign activities, typically referred to as **electioneering**, is widespread among interest groups. If a candidate who favors a group's goals can be elected, the group has a realistic expectation that its interests will be recognized and protected once the candidate takes office. Interest group participation in the election process takes a variety of forms. Publishing or otherwise publicizing the political records of incumbent candidates is one of the simplest and most common forms of interest group participation. Providing favored candidates with group membership information and mailing lists is another valuable contribution that helps candidates solicit money and votes. Groups may also allow candidates to speak at their meetings, thus giving them opportunities for direct contact with voters and possible media coverage.

During the gubernatorial race in 2002, publicly endorsing specific candidates was a strategy employed by various interest groups. For instance, Governor Rick Perry received endorsements from such groups as the Combined Law Enforcement Associations and the Texas Teamsters, while the Democrat gubernatorial candidate, Tony Sanchez, gained support from the Texas State

Teachers Associations (TSTA), the Texas AFL-CIO, and the Texas Medical Association (TMA).

Another type of group participation in electioneering involves getting out the vote—the favorable vote. Typically, this entails mailing campaign propaganda, making telephone calls to members, registering voters, transporting voters to the polls, and door-to-door canvassing (soliciting votes). Group members may also volunteer their time to the campaigns of sympathetic candidates.

Campaign Financing by Political Action Committees

Because political campaigns are becoming more expensive with each election, contributions from interest group members constitute an important form of participation. Although individuals continue to make personal financial contributions to candidates, there is a growing tendency for campaign funds to come from political action committees (PACs). Texas statutes prohibit political contributions by corporations and labor unions to individual candidates. These and other groups, however, may form PACs composed of their employees or members. PACs have the task of raising funds and distributing financial contributions to candidates who are sympathetic to their cause. A PAC may also influence political campaigns involving issues that affect the group's vital interests. Currently, there are no limits on what PACs can raise or spend in Texas.

PAC activities and their influence continue to increase, with more than 1,000 PACs reported in Texas in 2000. During the presidential race of that year, Texas ranked third among the most populous U.S. states in overall PAC contributions, and its total PAC contributions were much greater than those of the four U.S. states bordering Texas.

In the 2000 election cycle, reports indicate that Texas PACs spent a total of $54 million on all election contests. Among the three broad categories of PACs (business, labor, and ideological and single-issue), business PACs far outspent other PACs. The leading business PACs represented contributors in the fields of law, energy–natural resources, health, construction, and finance. The top political contributors were political action committees led by Texas's

How Do We Compare . . . in PAC Contributions for the 2000 Presidential Election?

Most Populous U.S. States	Total Dollars Spent	U.S. States Bordering Texas	Total Dollars Spent
California	$10,079,088	Arkansas	$1,632,012
Florida	2,362,091	Louisiana	898,637
New York	8,480,670	New Mexico	370,550
Texas	**8,006,047**	Oklahoma	41,300

Source: Open Secrets, available at **www.opensecrets.org.**

Table 5.4 Top Texas PAC Spending, 2000

Donor	2000 Spending
Texas Democratic Party	$5,989,561
Republican Party of Texas	2,743,376
Texas 2000[a]	2,022,735
Texas Association of Realtors	1,529,044
Texans for Lawsuit Reform	1,420,738
Associated Republicans of Texas	1,255,423
Vinson & Elkins	910,398
Texas Medical Association	836,776
Texas Trial Lawyers Association	788,596
Coca-Cola Enterprises	739,871

[a]Texas 2000 consists of lawyers and lobbyists.
Source: Texans for Public Justice.

Democratic and Republican Party PACs.[13] (See Table 5.4 for a listing of some of the other top Texas PACs.)

In addition, reports prior to November's 2002 gubernatorial election note that PAC contributions were dominated by lawyers and lobbyists (accounting for 44 percent of the total), partisan PACs, and contributors in the fields of real estate, health, communications, energy–natural resources, ideology (which emphasize liberal or conservative leanings), labor, and transportation. In all, these PACs spent more than $10 million.[14]



How Do We Compare . . . in Total PAC Contributions for the 2002 Congressional Election?

Most Populous U.S. States	Total Contributions[a]	Percentage Given to Democrats	Percentage Given to Republicans
California	$138,461,045	57	42
Florida	56,192,939	32	68
New York	109,014,574	63	37
Texas	**90,617,863**	38	62

U.S. States Bordering Texas	Total Contributions[a]	Percentage Given to Democrats	Percentage Given to Republicans
Arkansas	1,779,341	12	88
Louisiana	$15,110,295	33	67
New Mexico	6,396,479	34	66
Oklahoma	9,920,462	34	66

Source: Open Secrets, available at **www.opensecrets.org**.

[a]*Note:* Total PAC, soft dollar, and individual contributions to federal candidates and parties.

Another report by Texans for Public Justice reveals that Republican candidate Rick Perry's largest contributors came from business interests, specifically those in the fields of energy–natural resources and finance. Tony Sanchez, the Democratic candidate, also received the majority of campaign contributions from business interests, including lawyers and lobbyists, and persons in the fields of finance and health.[15]

Perhaps the best indication of power among interest groups is the connection between the election campaign contributions of PACs and lobbying activities. It takes a coordinated effort on the part of an interest group to influence one part of the political process (the campaign) while also affecting policy decisions in another part (the legislative process). In this way, interest groups are able to exercise far greater control over the output of the Texas Legislature than their numbers would indicate.

Bribery and Unethical Practices

Bribery and blackmail, although not common practices in Texas, nevertheless have taken place in state and local government. There were, for example, some well-publicized scandals in the 1950s involving Texas legislators. In the 1970s, the Sharpstown Bank scandal rocked the legislature. House Speaker Gus Mutscher and others were convicted of conspiring to accept bribes for passing deposit-insurance bills as requested by Houston banker Frank Sharp.

In February 1980, as revealed by an FBI investigation, House Speaker Billy Clayton accepted (but did not spend) $5,000 intended to influence the awarding of a state employee insurance contract. Because he had not cashed the checks, a federal district court found Clayton innocent of all bribery charges. In January 1981, he was elected to a fourth term as speaker of the House.

In 1991, five-time speaker Gib Lewis was indicted on two misdemeanor ethics charges by a Travis County grand jury. Rather than face the possibility of a trial subjecting him to a stiffer penalty, Lewis agreed to a plea bargain, was fined $2,000, and announced his decision not to seek reelection to the House of Representatives in 1992. However, Lewis became a very successful lobbyist.

In 2001, Land Commissioner David Dewhurst and Comptroller Carole Keeton Rylander drew negative media attention. Dewhurst had to explain why he was holding a fundraising event at the home of a lobbyist representing companies with interests before his department. Rylander had to justify why she sent a letter on official letterhead to businesses, lawyers, and doctors soliciting money for a San Antonio–based organization, the Texas Public Policy Foundation (a right-wing lobbying group). In 2002, scrutiny centered on incoming House Speaker Tom Craddick (R-Midland) because of reports that he had sponsored legislation that benefited special interests for which his daughter served as a lobbyist.

Regulation of Interest Group Politics

Prompted by media reports of big spending by lobbyists and a grand jury investigation into influence peddling, the 72nd Legislature created the eight-member **Texas Ethics Commission** to enforce new legal standards for lobbyists and public officials. This 1991 legislation enhanced the power of public prosecutors to use evidence that contributions to lawmakers by lobbyists and other individuals are more than mere campaign donations. The legislation also expanded disclosure requirements for lobbyists and legislators and put a $500 annual cap on lobbyist-provided food and drink for a lawmaker. It also banned honoraria (gratuitous payments in recognition of professional services for which there is no legally enforceable obligation to pay) and lobby-paid pleasure trips (unless a legislator makes a speech or participates in a panel discussion). However, despite these measures, there is no indication that campaign contributions from special interests have been reduced. Current laws are not very effective.

The ethics law defines any campaign contribution accepted with an agreement to act in the contributor's interest as a felony. The law also prohibits a candidate or official from receiving a contribution in the capitol building itself. The problem, however, is that it is difficult to prove a candidate has intentionally accepted a campaign contribution from a particular interest group in exchange for policy benefits.

Points to Ponder

Without strict campaign finance reforms in place, legislators and statewide officeholders can receive money from contributors after an election. Furthermore, it is not unusual for elected officials (or lobbyists) to host campaign fundraising gatherings following an election, so long as the time period does not exceed 30 days before the next legislative session.

Detailed records of political contributions and how this money is spent must be filed between two and seven times each year with the Texas Ethics Commission. These records are open to the public and are available on the commission's web site. Since 1999, electronic-filing law requires candidates for legislative and statewide office to file electronic campaign disclosure reports, so that this information can be made instantly available. However, candidates who sign affidavits contending that they do not use computers to track campaign finances are exempt. The Ethics Commission lists the names of lobbyists and their clients, as well as a range of payments received by each lobbyist. However, lobbyists themselves do not have to report exact dollar amounts for their contracts; the top end can range from $200,000 to as much as $5 million. Thus the commission's records do not give a complete picture.

In addition, the Texas Ethics Commission is authorized to hear ethics complaints against state officials, candidates for office, and state employees. Its budget allows about 60 reviews each year. Recent reports indicate that in

the past decade 729 external sworn complaints were made to the commission. Reform advocates and observers, however, contend that staff members are restricted from investigating a complaint because of a strict confidentiality restriction that subjects them to possible criminal prosecution, fines, and jail time.

With ineffective laws in place, the connection between lobbyists and legislators continues. An analysis of registered lobbyists during the 74th Legislature's regular session (1995) bears out a close connection. At least half of the top-spending lobbyists were former lawmakers, former aides to House speakers, former state executives, or former high-level bureaucrats. Some estimates show about 50 ex-legislators (including former aides to House speakers) registered as lobbyists in 1995. When he was elected in 1993 for his first term as speaker, James E. (Pete) Laney pledged that he would not immediately seek employment as a lobbyist after leaving the speaker's office, and he placed a similar restriction on his top staff members. Texas governor Rick Perry drew criticism when he issued a "strict" revolving-door lobby policy for his staff (preventing staff members from leaving their employment to become lobbyists) but then named some new senior staff members who had been registered as lobbyists during the preceding legislative session. In *Texas Lobby Watch,* Texans for Public Justice concluded that special interests have entered the governor's office through a revolving "back door."[16]

Points to Ponder

There are currently no effective laws prohibiting former legislators (including former House speakers, legislative officers, and ex-agency heads) from becoming lobbyists and immediately lobbying former colleagues. During the 2003 lobbying session, ten former lawmakers from the 2001 legislature served as "revolving-door lobbyists."

The relationship between campaign contributions and policy decisions continues to be a powerful one. Sam Kinch (a retired political reporter and founder of the political newsletter *Texas Weekly*) and Anne Marie Kilday (a former capitol correspondent for Texas newspapers) conclude that not much has changed since creation of the Ethics Commission: the system is still set up to support incumbents.[17] All attempts to reform campaign finance were defeated in the 77th Legislature. Proposed reforms included contribution limits for individuals and PACs in legislative and statewide races, and full disclosure laws. As columnist Molly Ivins points out, "Texas is the Wild Frontier of campaign financing."[18]

Following review of the Ethics Commission in 2002 by the Texas Sunset Advisory Commission (see the chapter "Public Policy and Administration"), the 78th Legislature in 2003 passed H.B. 1606, which renewed the Ethics Commission until 2015. The law requires stricter identification of campaign contributors, reports from elected officials concerning campaign cash on hand, and personal financial disclosure statements by municipal officers.

Interest Group Power and Public Policy

The **political influence of interest groups** is determined by several factors. Some observers argue that a group with a sizable membership, above-average financial resources, knowledgeable and dedicated leadership, and a high degree of unity (agreement on and commitment to goals among the membership) will be able to exert virtually limitless pressure on governmental decision makers. Others point out that the extent to which the aims of an interest group are consistent with broad-based public beliefs or stem from issue networks greatly increases the probability that the group will be successful and wield significant power. They also observe that if interest groups are well represented in the structure of the government itself, their power will be enhanced materially. Also, it is noted that a structure of weak governments will ordinarily produce strong interest groups.

From a different point of view, others insist that factors external to the group are also highly relevant. Research indicates that a strong relationship exists between the larger socioeconomic conditions in a state and the power of interest groups. These findings have led some observers to conclude that states with high population levels, advanced industrialization, significant per capita wealth, and high levels of formal education are likely to produce relatively weak interest groups and strong political parties.

Texas is included among those states with very strong interest groups and relatively weak political parties. Three circumstances explain why states such as Texas may not fit the expected pattern. First, many Texas interest groups identify with free enterprise, self-reliance, and other elements of the state's culture; thus they are readily accepted. Most Texans are predisposed to distrust government and its agents but to trust interest groups and their lobbyists.

Second, until recently, the century-long, one-party tradition in Texas rendered interparty competition negligible. The absence of strong parties and meaningful competition between them has made Texas government vulnerable to the pressures of strong interest groups and their lobbyists.

Finally, the Texas Constitution of 1876 and its many amendments have created state and local governments that are beset by weak and uncoordinated institutions. Faced with a government lacking sufficient strength to offer any real opposition, interest groups often obtain decisions favorable to their causes.

Pinpointing Political Power

Assessing the political power and influence of interest groups in American government is difficult, and determining the extent of their power in Texas is especially complex. There is no simple top-down or bottom-up arrangement. Rather, political decisions (especially policy decisions) are made by a wide variety of individuals and groups. Some of these decision makers participate in local ad hoc (specific-purpose) organizations; others wield influence through

statewide groups. Ascertaining which individuals or groups have the greatest influence often depends on the issue or issues involved.

The political influence of any interest group cannot be fairly calculated by looking at the distribution of only one political asset, whether it is money, status, knowledge, organization, or sheer numbers. Nevertheless, we may safely conclude that organized interest groups in Texas often put the unorganized citizenry at a great disadvantage when public issues are at stake.

Looking Ahead

Texas interest groups exert their influence over public policy decisions within local governments, the Texas Legislature, executive departments, the judiciary, and the state's bureaucracy. To be sure, students should be alert to evidence of interest group participation in all levels and branches of Texas government. No better illustration of the power of interest groups in Texas politics can be found than that wielded in the legislative process, which is the subject of the chapter "The Legislature."

Chapter Summary

- Interest groups act in the interests of their members to influence policy decisions made by government officials. There are various factors that foster interest group formation, such as legal and cultural reasons, a decentralized government and party system, as well as deemphasized ideologies.
- Involvement in an interest group provides members with information and opportunities to become active in the political process. Interest groups vary by organizational patterns, members, and leadership.
- Generally, all interest groups at all levels of government can be classified according to their interests, members, and the public policies they advocate.
- Interest groups are involved in all types and areas of political activity. They serve various functions, which include recruiting candidates for public office, shaping consensus on issues, and providing an outlet for concerned citizens.
- To influence policy decisions, interest groups use several techniques, which include lobbying, personal communication, favors and gifts, grassroots activities, electioneering, campaign financing by political action committees (PACs), and in extreme cases resorting to bribery and unethical practices.
- An eight-member Texas Ethics Commission is charged with enforcing legal standards for lobbyists and public officials.
- There are various ways to gauge an interest group's potential for political influence, such as considering the group's size of membership, financial resources, quality of leadership, and the degree of unity among members.
- Interest group participation influences public policy at all levels and within each branch (legislative, executive, judicial) of Texas government, and it allows all members to become a part of the political process.

Key Terms

interest group
NAACP v. *Alabama*
right of association
decentralized government
organizational pattern
group leadership
economic interest group
business organization
labor organization
professional group
public officer and employee group
social interest group
racial and ethnic groups
women's organization
religious-based group
public interest group
power group
interest group techniques
lobbying
electioneering
Texas Ethics Commission
political influence of interest groups

Discussion Questions

1. What interest groups are you familiar with? If you are not already a member of an interest group, would you consider joining one?
2. Do you think interest groups have too much power in Texas politics?
3. What recommendations would you offer to the state legislature to "put more teeth" in the Texas Ethics Commission?

Internet Resources

Common Cause Texas: **www.ccsi.com/~comcause**
League of Women Voters of Texas: **www.lwvtexas.org**
Professional Advocacy Association of Texas: **www.texasadvocacy.com**
Texans for Public Justice: **www.tpj.org**
Texas Community College Teachers Association: **www.tccta.org**
Texas Christian Coalition: **www.texascc.org**
Texas Ethics Commission: **www.ethics.state.tx.us**
Texas League of United Latin American Citizens: **www.texaslulac.org**
Texas NAACP: **www.texasnaacp.org**

Notes

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2. Peggy Fikac, "Perry Signs Hate Crimes Legislation," *San Antonio Express-News*, 12 May 2001.
3. For information on the role of the Christian Coalition and other religious-based groups, see "Texas: The Emergence of the Christian Right," in *God at the Grass Roots: The Christian Right in the 1994 Elections*, edited by Mark J. Rozell and Clyde Wilcox (Lanham, Md.: Rowman & Littlefield, 1995), 67–89; John M. Bruce, "Texas: A Success Story, at Least for Now," in *God at the Grass Roots*, edited by Mark Rozell and Clyde Wilcox (Lantham, Md.: Rowman & Littlefield, 1997), 33–50; James Lamare, J. L. Polinard, and Robert D. Wrinkle, "The Christian Right in God's Country: Texas Politics," in *Prayers in the Precincts: The Christian Right in the 1998 Elections*, edited by John C. Green, Mark J. Rozell,

and Clyde Wilcox (Washington, D.C.: Georgetown University Press, 2000), 41–58; and James Lamare, Jerry L. Polinard, and Robert D. Wrinkle, "Texas: Religion and Politics in God's Country," in *The Christian Right in American Politics: Marching Toward the Millenium*, edited by John C. Green, Mark J. Rozell, and Clyde Wilcox (Washington, D.C.: Georgetown University Press, 2003), 59–78.

4. Peggy Fikac, "Alliance Formed to Monitor Radical Right," *Houston Chronicle,* 1 October 1995.
5. See Dennis Shirley, *Valley Interfaith and School Reform: Organizing for Power in South Texas* (Austin: University of Austin Press, 2002).
6. For a history of COPS, see Mark R. Warren, *Dry Bones Rattling: Community Building to Revitalize an American Democracy* (Princeton, N.J.: Princeton University Press, 2001).
7. H. C. Pittman, *Inside the Third House: A Veteran Lobbyist Takes a 50-Year Frolic Through Texas Politics* (Austin: Eakin Press, 1992), 219.
8. "Doctors' Orders: Medical Lobby Becomes a Powerhouse in Austin," *Wall Street Journal,* 19 May 1999.
9. Peggy Fikac, "Court Sets Guidelines for Minors' Abortions," *San Antonio Express-News,* 26 February 2000.
10. Based on information from the Washington-based Center for Public Integrity, **www.50statesonline.org.** The center has published *Capitol Offenders: How Private Interests Govern Our States* (Washington, D.C: Public Integrity Books, 2002). See also Carlos Guerra, "National Watchdog Group Takes a Gander at Texas' Lobby," *San Antonio Express-News*, 2 May 2002.
11. "Austin's Oldest Profession: Texas' Top Lobby Clients and Those Who Service Them" (Austin: Texans for Public Justice, July 2002), **www.tpj.org.**
12. Keith E. Hamm and Charles W. Wiggins, "Texas: The Transformation from Personal to Informational Lobbying," in *Interest Group Politics in the Southern States,* edited by Ronald J. Hrebenar and Olive S. Thomas (Tuscaloosa: University of Alabama Press, 1992), 180.
13. "Texas PACs 2000 Election Cycle: Texas PAC Facts" (Texans for Public Justice, October 2001), **www.tpj.org.**
14. "50 People, 30 Institutions Supply 26% of TX Political Money" (Texans for Public Justice, October 2002), **www.tpj.org.**
15. "Two Studies Probe $66 Million That TX Gubernatorial Candidates Raised," news release (2 October 2002), **www.tpj.org.**
16. "New Governor Hires Hired Guns as Hypes Lobby Ethics Code," *Lobby Watch* (5 January 2001), **www.tpj.org.**
17. See Sam Kinch Jr. with Anne Marie Kilday, *Too Much Money Is Not Enough: Big Money and Political Power in Texas* (Austin: Campaigns for People, 2000).
18. Molly Ivins, "Who Let the PACs Out? Woof, Woof!" *Fort Worth Star-Telegram,* 18 February 2001.

Selected Readings

5.1 PGA Village*

Diane M. Duesterhoeft

The question of whether to construct a professional golf resort near San Antonio offers a complex case study of a number of grassroots organizations using various strategies and tactics to achieve their goals. To get a sense of the controversy surrounding this resort, in 2001 nearly 30 articles about the proposed golf project appeared in the local daily newspaper, the San Antonio Express-News; *in 2002 more than 300 articles, editorials, and opinion pieces appeared in the same paper.*

The controversy began on 9 March 2001, when a bill (S.B. 1629) was filed in the Texas Senate during its 77th regular legislative session. The bill authorized creation of a taxing entity (Cibolo Canyon Conservation and Improvement District No. 1) by the owner-developer of specified property located northeast of San Antonio. The owner, Lumbermen's Investment Corporation (LIC), had purchased nearly 2,900 acres in the mid-1980s and had filed plans for future residential development of the site.[1] S.B. 1629 was signed into law by Governor Rick Perry on 22 May 2001 and became effective immediately.

The project came to be referred to as the PGA Village because LIC and the San Antonio city council negotiated with the Professional Golfers' Association of America (PGA) to develop a resort similar to the PGA Village in Port St. Lucie, Florida. According to S.B. 1629, before this privately controlled district could be created, the San Antonio city council needed to approve an agreement, through a city ordinance, even though the property is outside the San Antonio city limits. Under the development agreement, the city would forgo annexation and taxation for 15 years, allowing the district to collect taxes. If San Antonio later decided to annex the territory in the district, the city would be responsible for any outstanding debts of the district. The PGA Village proposal included building a 500-room resort hotel; 4,000 homes, condos, and apartments; 100,000 square feet of commercial office space; and two golf courses.

Why the Opposition?

Some area residents opposed the PGA Village project because of the amount of water used by luxury golf resorts located in an area with a semiarid climate, especially since more than 40 golf courses were already located within an hour's drive of San Antonio. Although supporters of the proposal argued that the golf course would consume less water than the homes that would otherwise be developed on the land, opponents argued that the golf courses would simply displace the water used by residences, not reduce it. Some observers

*Diane M. Duesterhoeft is an associate professor and reference and instruction librarian at the Louis J. Blume Library, St. Mary's University of San Antonio. The article was written especially for *Practicing Texas Politics*. All articles cited from the *San Antonio Express-News* can be found on the web site *MySanAntonio.com: PGA Village Debate,* **news.mysanantonio.com/index.cfm?xla=saen&xlb=151**. Reprinted by permission of the author.

contended that maintaining turf on one golf course requires between 500,000 to 800,000 gallons of water per day—enough to supply 3,300 to 5,300 residents each using an average of 150 gallons per day.[2] San Antonio residents were also indignant that they are subject to watering restrictions during the first three stages of drought, but golf courses are not.[3]

Another concern focused on the potential environmental impact of this development. A controversial aspect of the proposal was the location of the site—over some of the most vulnerable, with regard to groundwater contamination, recharge zone land in Bexar County.[4] The Edwards Aquifer Recharge Zone (ERZ) is a critical area, because this is where the water enters the ground, providing the sole source of drinking water for most of San Antonio and the surrounding area. Given the amount of fertilizers and pesticides used on golf courses, the quality of the drinking water could be threatened. Historically, San Antonians had been able to vote on issues pertaining to water, so many opponents felt that citizens should be able to vote in this case. Some also felt the habitat of endangered species, such as the golden-cheeked warbler, would be disturbed. Equally important, the American Indians in Texas at the Spanish Colonial Missions (AITSCM) opposed any development in the area near Cibolo Creek, where the resort was planned, because it had always been deemed sacred.[5]

In addition, opponents believed that the proposal illustrated how much power developers wielded with city council members and state politicians. Some were of the opinion that the project would amount to another tax giveaway to San Antonio's low-wage tourist industry. Even at an initial estimate of $52 million in foregone taxes to the city, the tax incentive in this case was more than 20 times greater than city tax subsidies given to two other golf resorts.[6] Although there had been attempts by the city of San Antonio to purchase this land to protect the water source, highly elevated property values made it impossible to do so.

Grassroots Organizing: Tactics and Strategies

Early 2002 witnessed a number of organizations and individuals communicating and meeting to discuss ways to successfully stop this proposal. The Smart Growth Coalition began to coalesce and drew support from such organizations as the Sierra Club, Esperanza Peace and Justice Center, Neighborhoods First Alliance, neighborhood associations, local architects, and concerned individuals. Some of the original allies of Smart Growth and other individuals and organizations later formed a political action committee (PAC) called Save Our Aquifer (SOA). In addition, the Aquifer Protection Association, formed in the mid-1970s to oppose a shopping mall proposed at the time over the ERZ, was revived. Several organizations held rallies and press conferences expressing their opposition to the PGA Village project in February and March.

Other participants in the opposition effort were COPS (Communities Organized for Public Service) and Metro Alliance—two broad-based community organizations with more than 27 years of organizing history in the city—and affiliates of the Industrial Areas Foundation (IAF) network. These organizations, comprised of churches,[7] schools, and unions, held an accountability session on Sunday, 3 March, with more than 1,000 citizens attending.[8] The mayor and all ten city council members were invited. Yet only one council member showed up: Julián Castro, who had publicly announced his opposition to the proposal earlier that day.

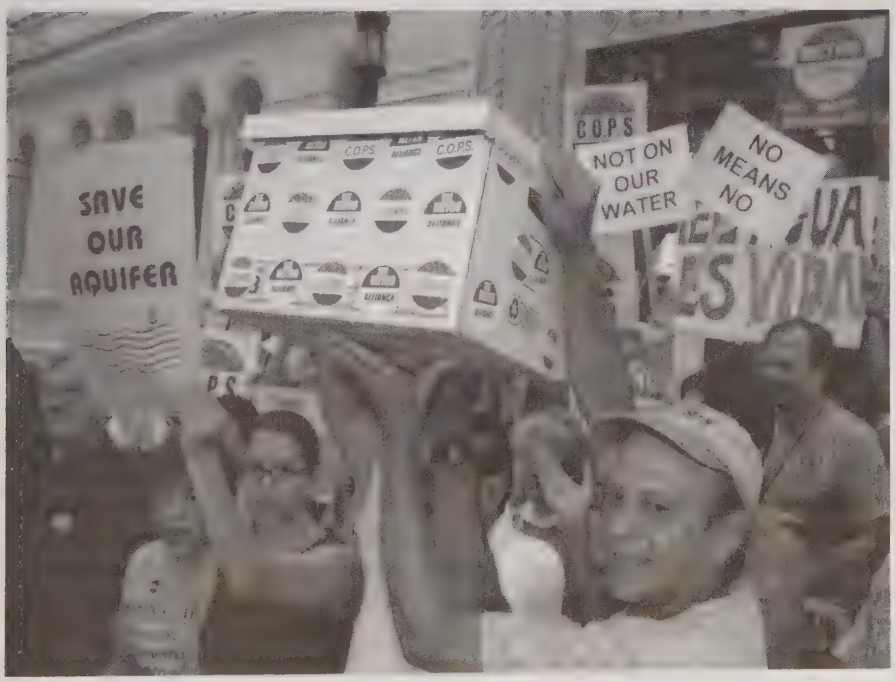
In response to these organizations' concerns, the city council held a series of public hearings about the project. The first hearing was held on 21 March, with more than 600 people—the largest crowd in years—packing the city council chamber and its balcony. More than 100 groups or individuals signed up to speak; approximately 65 percent of those presenting spoke in opposition to the proposal.[9]

In addition, unprecedented public presentations were held simultaneously in each of the ten council districts on 2 April to provide more information to the public. In a format predetermined by council members, city staff gave a PowerPoint presentation, followed by council members, staff, and LIC representatives in each district responding to written questions only.

Following five hours of public testimony and two hours of council members' statements, the city council finally voted at 2:17 A.M. on the morning of 5 April with a 9-2 vote in favor of Ordinance No. 95579 approving the PGA Village agreement.[10] Immediately, opponents began gathering the required signatures to repeal the ordinance or to allow the public at large to vote on it.

The Petition Drive

The San Antonio city charter requires that valid signatures of 10 percent of the city's registered voters (more than 63,000) be gathered within 40 days to force the city council to repeal an ordinance or to require that the ordinance be submitted to a vote of the citizens



Metro Alliance members (Copyright © San Antonio Express-News)

of San Antonio. Nearly 80,000 signatures were submitted to the city clerk on 13 May, but only 49,513 were validated on 6 June.[11] Because the city charter grants an additional 20 days to gather the needed signatures, 27,950 additional signatures were submitted on 25 June.

On that same day, SOA filed a temporary restraining order in U.S. District Court, Western District of Texas, against the city, stopping officials from taking action on the PGA Village ordinance until a newly filed legal challenge could be examined. SOA claimed the city violated the federal Voting Rights Act when it used computers to verify and disqualify nearly 30,000 signatures on the petitions. Judge Fred Biery ruled that the city clerk's verification of signatures could proceed.

In all, over 107,000 signatures were submitted and 77,419 signatures were finally validated by the city clerk's office on 10 July. Opponents claimed a welcomed temporary victory.

The Outcome

The city council had a few weeks to decide their next step once the requisite signatures were validated. On 1 August, the city council repealed Ordinance No. 95579 after they received a letter from Jim Awtrey, chief executive officer of the Professional Golfers' Association of America, indicating that, for now, PGA of America was withdrawing from this agreement.

Following several meetings with the mayor and other interested parties, a new ordinance on PGA Village (No. 96603) was drafted. A special taxing district was abandoned and replaced with a contract for services in lieu of annexation (a nonannexation agreement). At the insistence of COPS and Metro Alliance, LIC agreed to include living wages (wages beginning at $8.50 per hour and indexed to inflation) so that by the time the first hotel would open in approximately 2007, the minimum wages at the resort would be $10 per hour.

On 24 October, public testimony was given about the new proposed ordinance. Renee Saenz of SOA testified:

> What is before the council is the same agreement and therefore the council has the same ethical and legal obligation as before. The choices are to reject the PGA agreement or to let the citizens of San Antonio vote on this agreement, which will have a long lasting impact on the quality of their drinking water.[12]

The city council passed the nonannexation agreement ordinance by a vote of 10-1. Julián Castro voted against the ordinance because he felt that the citizens of San Antonio should still have a right to vote on this matter.

On 25 October, SOA filed a second temporary restraining order against the city of San Antonio, arguing that this ordinance violated the federal Voting Rights Act by not allowing electors to petition or vote on the nonannexation agreement. U.S. District Judge Fred Biery ruled on 10 December 2002 on this case and denied the second restraining order. The city of San Antonio promptly signed the nonannexation agreement with LIC and hoped the PGA of America would sign the agreement sometime in 2003.

Did elected officials act in their constituents' best interests? Did grassroots organizations influence local government and local policy decisions in this case? Were they effective? You be the judge.

Notes

1. Lumbermen's Investment Corporation (LIC) is a subsidiary of the Austin-based multinational corporation Temple-Inland. Temple-Inland holds land in Puerto Rico, Argentina, Chile, and Mexico and is the ninth largest private landowner in the United States. For more information, see Campaign for Labor Rights, "Mexico: Sweatshops and Pulpwood," *Sweatshop Watch,* July 1999, **www.sweatshopwatch.org/swatch/headlines/1999/pulpwood_jul99.html**; accessed 17 December 2002.
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3. Joe Nick Patoski, "Water Hazard," *Texas Monthly,* November 2002, 95.
4. United States Geological Survey, *Vulnerability of Ground Water to Contamination, Edwards Aquifer Recharge Zone, Bexar County, Texas, 1998,* USGS Water-Resources Investigations Report 00-4149 (USGS, 2000), as cited in "Threats to Water Quality Posed by the Proposed PGA Village Development," **www.nopga.com/pages/WaterQuality.htm**; accessed 17 December 2002.
5. William Pack and Christopher Anderson, "PGA Plan Adds Second Vote on Council," *San Antonio Express-News,* 7 March 2002.
6. "Why Oppose PGA Village?" (People Opposed to the Proposed PGA Village, 2000), **www.nopga.com/pages/WhyOpposeIt.htm**; accessed 6 January 2003.
7. In late February, Archbishop Patrick Flores issued a letter addressed to priests, deacons, and members of the Archdiocese of San Antonio discouraging citizens from supporting the proposed plan for the PGA Village project over the ERZ, stating that we must protect our water. See William Pack, "Archbishop Opposes PGA," San *Antonio Express-News,* 28 February 2002. In a city where 70 percent of those claiming a religious affiliation are Roman Catholic, such a letter from the archbishop conveyed influence.
8. Patrick Driscoll, "Councilman Rejects PGA Plan," *San Antonio Express-News,* 4 March 2002.
9. Scott Huddleston, "PGA Hearing Gets Hot—On Both Sides," *San Antonio Express-News,* 21 March 2002; Jerry Needham, "Council Hearing Is Standing Room Only," *San Antonio Express-News,* 22 March 2002.
10. William Pack, "Council Vote Puts PGA Village on Map," *San Antonio Express-News,* 5 April 2002.
11. Jaime Castillo, "Signatures Fall Short on PGA-Vote Petitions," *San Antonio Express-News,* 7 June 2002.
12. *Save Our Aquifer and League of United Latin American Citizens (LULAC) District 15* v. *City of San Antonio,* 2002, Civil Action No. SA-02-CA-618-FB, United States District Court, Western District of Texas, San Antonio Division.

5.2 Political Watchdogs on Patrol*

Jay Root

Since the Texas Democratic Party was shut out election day by Republicans in statewide races, Republican leaders are being closely watched by consumer advocates and government watchdog groups, which are already criticizing perceived ethical lapses, weak campaign disclosure laws, and probusiness proposals pending before the Texas Legislature.

*From *Fort Worth Star-Telegram,* November 2002. Reprinted by permission.

Lobbyists for the Little Guy

Among the political watchdog groups are local affiliates of national groups such as Common Cause, which has been instrumental in passing post-Watergate campaign finance reform; Public Citizen, which was founded by consumer advocate and former Presidential candidate Ralph Nader; and Consumers Union, the publisher of *Consumer Reports* magazine. Other organizations like Texans for Public Justice—which tracks the influence of corporate money in politics—are homegrown.

Several of the groups have recently criticized Republicans for hiring lobbyists to oversee their transition teams, and have taken aim at would-be House Speaker Tom Craddick, R-Midland, alleging conflicts of interest. Craddick denies any wrongdoing. The watchdog groups say they're just doing the bidding of voiceless consumers and average Texans—essentially acting as registered lobbyists for the proverbial little guy.

Fronts for Democrats and Trial Lawyers?

Republicans and representatives of the business lobby have a different take on such groups. They say they're "little more than fronts for Democrats and personal-injury trial lawyers," and they complain that some of them do not release donor information despite calling for more openness in politics and government. Whatever and whomever they are, the groups are likely to have a more visible role in the approaching 78th legislative session, which begins Jan. 14 [2003] and will be controlled by Republicans for the first time since the 1870s. "The Democrats have de facto walked off the field, and the public debate now is between the Republican Party and these so-called consumer groups," said Chuck McDonald, a lobbyist for several powerful business groups. "They cloak themselves in this mantle of consumer advocacy, and that has nothing to do with it. They speak for liberal special interests."

Some of the groups acknowledge that they are left of center and are more closely aligned with a liberal philosophy that fits best with the Democratic Party, while others say their issues defy partisan definition and often draw surprising sponsors. For example, Reggie James, head of the local branch of Consumers Union, says his group found State Rep. Arlene Wohlgemuth, R-Burleson—a social conservative leader in the House—to be its champion on drafting new protection for owners of manufactured housing. James also noted that Democrats dominated the Legislature until the mid-1990s, and "it wasn't heaven then. I'm reluctant to say it's the end of the world because the Republicans have taken over and business is dominating everything," James said. "You know, business has always dominated everything."

On the other hand, the founder of Texans for Public Justice, Craig McDonald, acknowledged that his group—which often targets Republicans—is more philosophically in tune with Democrats. Republican Party spokesman Ted Royer calls the group "nothing but an attack dog for the Democrats." McDonald said, "Our agenda is almost always at odds with the Texas Republican Party [and] sometimes at odds with the Texas Democratic Party. It's more likely that the Democratic Party would agree with us more than the Republican would." Serving on the TPJ board are Margaret Justus, a Democratic activist and recent spokeswoman for unsuccessful Democratic attorney general candidate Kirk Watson; and Tom "Smitty" Smith, head of Nader-founded Public Citizen.

Sources of Funding

Only two of the groups contacted by the *Star-Telegram* disclosed the names of individual donors. The others cited privacy concerns. Several, however, voluntarily disclosed major sources of money. Most of the TPJ's funding, for example, comes from major foundations, including Arca Foundation, which supports anti–death penalty causes and campaign finance reform; and the Open Society Institute, which also supports death penalty abolition groups and promotes drug policy liberalization.

Public Citizen's major funding, also from foundation grants, includes gifts from the Energy Foundation, which promotes renewable energy and sustainable development; and the Rockefeller Foundation, which fights hunger and poverty.

Consumers Union gets the bulk of its operating revenue from the sale of its popular *Consumer Reports* magazine, considered the advertising-free gold standard for consumer product review. It also publishes the names of willing individual donors who give $1,000 or more in its magazine.

Common Cause, which promotes campaign finance and ethics reforms, voluntarily releases a list of $500-and-over contributors upon request. It accepts corporate and union money of up to $1,000 per entity, but it accepts no funding from elected officials or from the government.

Common Cause director Suzy Woodford said her remarks about the influence of the business lobby on state government have nothing to do with the partisan makeup of the Legislature. She noted that the group, founded in 1972, has leveled the same complaints against the Democrats. "Our motto is, 'No permanent friends, no permanent enemies,'" Woodford said. "We may agree with you today and not agree with you tomorrow."

5.3 Taking Part in the Texas Municipal League's Lobbying Effort: A Dozen Golden Rules for Grassroots Involvement*

Whenever the Texas Legislature is in session, the Texas Municipal League staff has two paramount responsibilities: (1) to advocate the cities' interests directly with senators, representatives, and other state officials; and (2) to keep municipal officials informed of—and involved in—city-related developments at the capitol.

Naturally, the League staff can't carry out all legislative activities alone. For example, personal and continuous contact with 181 senators and representatives is a practical impossibility. Also, and more importantly, legislators are most interested in the opinions of their constituents back home. Therefore, the most effective legislative communications come from the mayors, council members, and other city officials to whom the legislator is locally accountable.

*From *Texas Town & City*, January 2001, 16–18. Reprinted by permission of the Texas Municipal League.

Teamwork, with emphasis on grassroots lobbying by municipal officials, will once again produce a successful session for Texas cities. The following suggestions can be useful in assuring that your city's views are heard—and listened to—in the weeks ahead.

1. Stay Well-Informed

The League's *Legislative Update* is the primary means through which the League communicates legislative information to its member cities. Virtually every Thursday afternoon during each regular session and at least once a month when the legislature is not in session, the *Legislative Update* is placed on the TML Web site, www.tml.org. In addition, one copy is mailed to each member city. The *Legislative Update* highlights important, city-related bills as they move through the legislative process. It also serves as a vehicle for requesting action from your city, such as occasional requests for comments regarding a particular bill's impact on your city or requests for letters or phone calls of support or opposition. Occasionally, Legislative Alerts are issued for special purposes.

2. Put Someone in Charge

Make sure one staff person is responsible for immediate review of the *Legislative Update* and any Legislative Alerts and for initiating a timely response by your city.

This person may be the mayor, the city manager, an assistant city manager, an assistant to the city manager, or someone else. This person should duplicate the *Legislative Update* for distribution to council-members and department heads and should coordinate follow up. During the busiest periods of the legislative session, a response from your city may be needed very quickly, so it is important that someone have the responsibility for coordinating your city's response.

3. Get Personally Acquainted

Make it your business to become personally acquainted with your senator and representative. Take a sincere interest in them, and get to know their political philosophy. If you contact legislators only when you want their support on a legislative matter, it might be too late. It's better to be in touch with them throughout their terms of office.

4. Know Your Legislator's Staff

It's also helpful to get to know your legislator's staff. Frequently, you may need to call the legislator to impress upon him or her your city's concerns. If you cannot talk directly to your legislator, a call to a Capitol office staffer, whom you know and who knows you, is the next best thing. Be sure to get acquainted with district staff members as well.

5. Respond to the League's Requests for Assistance

The *Legislative Update* or a Legislative Alert will frequently ask for your assistance in analyzing the effects of a bill or in communicating with legislators. Please respond in a timely manner to League requests for bill reviews and letters, phone calls, or faxes in support or opposition. Keep track of your positions and responses. Make sure that TML receives a copy of any letter that you write in response to a League request.

Remember—the League's position on a specific piece of legislation may change as the bill is amended. Consequently, it is vital that you continue to respond immediately to requests for letters, even though you may have already written a letter at an earlier point in the process.

6. Be Able to Act Quickly

Establish a procedure for urgent (one-day) action on bills. Occasionally, a new bill is introduced or an important amendment is proposed that requires immediate response by cities. The League will request that you take immediate action, or the League staff may call city officials in cities in key legislative districts and ask them to call their legislators right away. You'll need a quick and simple method to get that call made.

7. Express Yourself

Surprisingly few people ever contact their legislators. This reluctance usually results from the belief that legislators have no time or inclination to answer their phones or read their mail, and that one single contact won't make any difference anyway. In most cases, these views are wrong. Thoughtful, factually persuasive contacts can change legislators' minds and cause them to review their judgments.

Although a telephone call or a letter can be very effective, personal face-to-face contact is the most effective approach. Try to talk to your legislators when they are back home in the districts; they are more likely to listen and respond positively in a local environment. Also, when you are in Austin, don't miss the opportunity to drop by and talk to your senator and representative. While members of the legislature are extremely busy, it should not be assumed that they won't have time to see you. After all, they are there to represent your interests and views.

Your senator and representative need to be directly exposed to people they represent—including you. They need to know what you think about the issues facing your city and how legislation pending in Austin will affect you. That's what they're in the legislature for. Be sure to have accurate facts and good arguments about any issues you discuss with your legislators. Make sure you understand the particular bill in question.

8. Write Letters Carefully and Thoughtfully

Each letter you write should address only one bill and should reference the bill number in a separate line at the top of the page. Otherwise, your letter may get lost in the system.

Legislators are often caught in a crossfire between conflicting interests and opinions. Consequently, their votes may be contrary to your opinion as a municipal official. Present your position logically and base it on facts. Emotional appeals do not influence a vote. Don't send just a council resolution. You may want to refer in your letter to a resolution, but don't just send the resolution itself.

Identify the bill you are writing about. Give the number of the bill and a brief description of its subject matter. Thousands of bills are introduced during a regular session, and legislators cannot be expected to immediately recall every one of them merely by a number or a vague description.

Be brief, specific, and to-the-point. Many issues are complex, but your opinions and arguments have a better chance of being read if they are stated as concisely as the subject will permit. Remember that your letter will be competing for time and attention with

countless others. Most viewpoints can be amply set forth in a carefully written, one-page letter.

Use background material provided by TML as a basis for your own letters, but don't simply copy the language. Give facts and opinions concerning the effects of a particular measure on your own city.

The importance of contacting a legislator on time cannot be overemphasized. The most eloquent letter does no good if it arrives after a vote.

9. Keep the League Staff Informed

Always send copies of your letters or faxes to the League. The staff needs to know to whom you write, when you write, and what you say. And if you receive a response from a member, let us know about that, too. The League's legislative staff reads your letters and incorporates your arguments and local circumstances into League testimony. The staff members also cite your letters when they talk with your legislators.

10. Recognize Their Problems

Your legislators represent all the constituents in your area—liberal and conservative, business and labor. Their duty is to represent all the people to the best of their ability.

There may be times when you think your legislators are on the wrong track, but they may have facts that are not available to you. Try to understand their problems, outlook, and objectives. Never threaten political or other consequences if the senator or representative refuses to see an issue your way. Few respond positively to blatant power plays. Most conventional legislation is the result of compromise—that's the way the system operates. There will be times when legislation does not go your way, so don't be too critical when it happens. Remember that you can disagree without being disagreeable.

Be very wary of public criticism of your legislator's actions. Some legislators rarely vote with cities, yet come through on crucial votes. Taking them to task in a public forum for a series of votes on relatively unimportant issues can lose their votes permanently on much more vital issues. It's much more effective to sit down with a legislator in private to discuss areas of disagreement.

11. Say Thanks

Remember to thank legislators regularly and publicly for their work, support, and votes. Never discount the importance of a thank you; it really can make a difference. This is one of the most important things you can do, because so few people remember to thank their legislators—and legislators clearly remember those who do. Recognition dinners and letters to the editor praising the responsiveness of legislators to local needs can be effective public ways of saying thank you to your legislator.

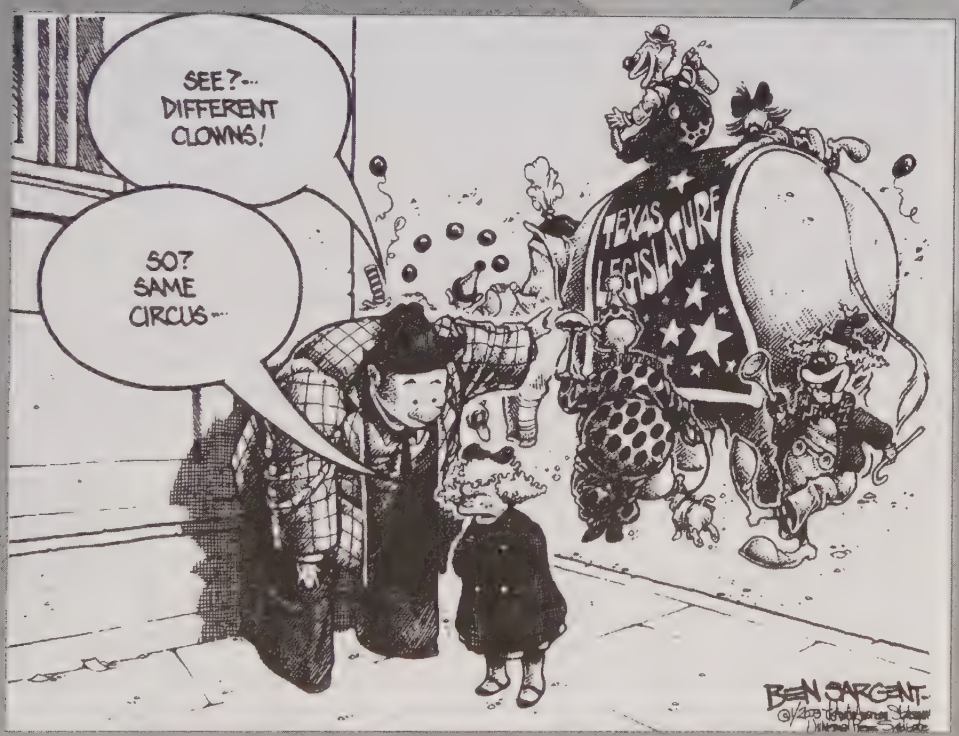
If you believe your legislators deserve re-election, don't hesitate to get involved when they are campaigning for another term. That's the time they need your help most of all.

12. Do Unto Others . . .

Approach legislators the way you, as a city official, want to be approached by your constituents—with courtesy and respect.

Chapter 6

The Legislature



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Traditionally, the Texas Legislature has been the most heavily criticized and ridiculed of the three branches of state government. (For example, see Ben Sargent's cartoon depicting the 78th Texas Legislature as a circus controlled by Republican clowns.) Nevertheless, the work of state legislators is of vital importance, because they make laws that affect the life, liberty, and property of all persons in the Lone Star State. These laws determine how conflicts will be resolved and what public services (like higher education provided by public universities and community colleges) will be authorized and funded. Consequently, citizens should cast informed votes for legislative candidates and then hold the victors accountable while in office. In 2000, however, the Scripps Howard Poll showed that only 9 percent of Texans knew the name of their state senator. And only a few more, 12 percent, could name their state representative.[1]

A Preliminary View

Lawmaking by an elected representative body with many members is a slow, frustrating, and often disappointing process. Moreover, most citizens are impatient with political tactics and procedural delays, even if their policy objectives are achieved. Usually they are dissatisfied with the inevitable compromises involved in the process by which the Texas Legislature creates and enacts legislation.

At the beginning of each daily session in the House and Senate, an invited minister, priest, rabbi, or imam calls the members to prayer; however, prayer led to controversy in the early days of the 78th regular legislative session (2003). Representative Scott Hochberg (D-Houston), one of three Jews in the House, complained about proselytizing prayers with references to Jesus Christ. Subsequently, Speaker Tom Craddick's office issued a letter concerning prayer that asked that "the tone and content be respectful of the diverse nature of the body, such that all members of the House, whatever their respective faith, may add their voice to the collective 'amen' that begins our day's work." In a Senate invocation on 5 February 2003, San Antonio rabbi Barry Block asserted that Planned Parenthood "saves lives" and that "reproductive freedom is a cherished American liberty." After deciding that Block's prayer was too political, Senate parliamentarian Walter Fisher and Senate secretary Patsy Spaw excluded it from the *Senate Journal*. But on 6 February, Lieutenant Governor David Dewhurst, the Senate's presiding officer, ruled that "all prayers will be printed as they were given." On 18 March 2003, shortly before U.S. military forces entered Iraq, Imam Moujahed Bakhach of Fort Worth became the first Muslim to offer an opening prayer in the House. With an American flag pin on his suit, he prayed that Austin and all America would be made "a place of hope, peace, and security."[2]

Looking down at the House or Senate floor from third-floor gallery seats, visitors to the Capitol are likely to be appalled by the shouting, whistling, pushing, prank playing, and even sleeping that all too frequently occur in the chambers of the Texas Legislature. Debate seldom reflects a high level of statesmanship. Usually, however, it does not sink to the depth of a floor incident that occurred on 1 May 2001, when Senator John Corona (R-Dallas) was heard calling Senator Royce West (D-Dallas) an "arrogant s.o.b." as he poked a finger into West's face and the African American poked back. The subject of their dispute was Corona's request to delay action on a West-sponsored bill concerning home loans and related insurance.[3] Legislative conduct is sometimes best described as bizarre, especially during the hours that mark the end of a session.

On one memorable occasion, a stripper performed in the House lobby to celebrate the birthday of a representative. In the course of the 75th Legislature's regular session (1997), some House members howled and barked at Representative Arlene Wohlgemuth (R-Burleson) as she was presented with a box of dog biscuits. This conduct was inspired by Wohlgemuth's defense of her bill authorizing judges to order the killing of dogs that cause injury requiring medical treatment.[4]

Legislative Framework

In all of their state constitutions, Texans have entrusted enactment of bills and adoption of resolutions to popularly elected legislators. This is the essence of representative government. As in a majority of states, the lawmaking branch of Texas government is officially termed the legislature. Nebraska has a **unicameral** (single-chamber, or one-house) legislature. Texas and all 48 other states have **bicameral** (two-chamber, or two-house) lawmaking bodies that are similar to the U.S. Congress in Washington, D.C.

Points to Ponder

- A copy of the King James Bible (bearing desk number and state seal on its blue cover) is provided to each senator and representative.
- Some Texas legislators wear official rings (costing more than $600) and official lapel pins (costing more than $400) that they purchase at their own expense.
- To protect legislators and others, Department of Public Safety troopers patrol the Capitol and surrounding grounds with dogs that have been trained to sniff for explosives.
- Hung behind the House speaker's rostrum during legislative sessions is the original San Jacinto battle flag, on which is painted a partially bare-breasted woman clutching a sword draped with a streamer proclaiming "Liberty or Death." When legislators are not in session, a reproduction of this flag is displayed, and the original is covered by a curtain.



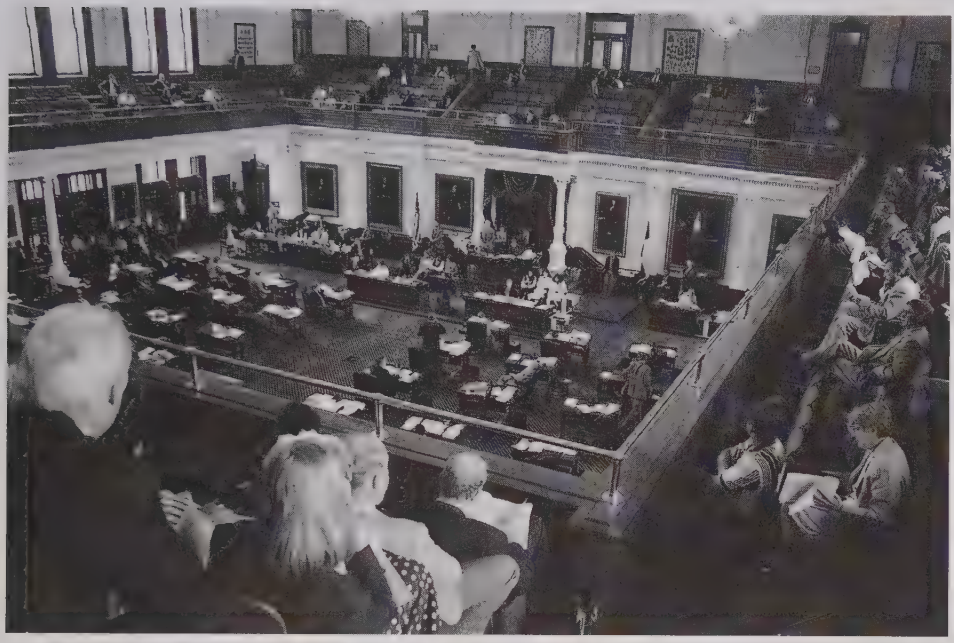
Floor of the Texas House of Representatives as viewed from the gallery behind the speaker's podium. (Texas House of Representatives Photography Department)

Composition

In Texas and 40 other states, the larger legislative chamber is called the House of Representatives. Remaining states use the terms *assembly, house of delegates,* or *general assembly.* In the 49 states with bicameral legislatures, the larger chamber ranges in size from 40 members in Alaska to 400 members in New Hampshire. Texas has 150 members in its House of Representatives. The smaller legislative chamber is called the Senate. Alaska has the smallest senate, with 20 members; Minnesota has the largest, with 67. The Texas Senate has 31 members.

Texas representatives resent references to the Senate as the "upper house" and to the House of Representatives as the "lower house." Nevertheless, the greater power and prestige of a senator are indicated by the fact that representatives often seek election to the Senate, but senators do not run for House seats. Although the two chambers of the Texas Legislature are officially equal, their powers and functions differ somewhat, as explained later in the chapter.

In 2003, at the beginning of the 78th regular session, 20 Texas senators and 51 representatives occupied offices in the Capitol. From the south side of this imposing Austin building—slightly taller than the U.S. Capitol in Washington, D.C.—legislators can gaze down Congress Avenue toward the Colorado River and the famous bridge that is home to millions of bats. From the north



Visitors watch Senate proceedings from the gallery. (Senate Media Services)

side of the Capitol, they can see the towering dormitories and academic buildings of the University of Texas at Austin—including the Darrell K Royal–Texas Memorial Stadium, where Big 12 football is played. The other 11 senators and 99 representatives in the 78th Legislature were housed on the top two floors in the four-story underground Capitol Extension. Their only view of the outside world was the patch of sky above the Central Court Open Air Rotunda, which is also the only place in the underground structure where a cell phone will operate.

How Do We Compare . . . in State Legislature Seats?

Most Populous U.S. States	Senate Seats	House Seats*	U.S. States Bordering Texas	Senate Seats	House Seats	Mexican States Bordering Texas	Unicameral Seats
California	40	80	Arkansas	35	100	Chihuahua	35
Florida	40	120	Louisiana	39	105	Coahuila	33
New York	61	150	New Mexico	42	70	Nuevo León	52
Texas	**31**	**150**	Oklahoma	48	101	Tamaulipas	32

Sources: *The Book of the States, 2002* (Lexington, Ky.: Council of State Governments, 2002), 73; and Gobiernos y Congresos Estatales de México (www.cddhcu.gob.mx/virtual/gem/htm).

*In California and New York, the more numerous chamber is called the Assembly.

Election and Terms of Office

Texas legislators are elected by voters residing in representative and senatorial districts. Representatives are elected for two years; senators are usually elected for four years. Terms of office for members of both houses begin in January of odd-numbered years.

Senatorial redistricting occurs in the first odd-numbered year in a decade (for example, 2001). A new Senate is elected in the general election of the following year (for example, November 2002). In January of the next odd-numbered year (for example, 2003), Senators draw lots, using 31 numbered pieces of paper sealed in envelopes. The 16 who draw odd numbers get four-year terms, but the 15 who draw even numbers get only two-year terms. Subsequently, until after redistricting following the U.S. Census of 2010, approximately half of the senators (that is, 15 or 16) will be elected in each even-numbered year for four-year terms.

If a member of the legislature dies, resigns, or is expelled from office, the vacancy is filled by special election. A legislator may be expelled by a two-thirds majority vote of the membership of the legislator's chamber.

Sessions

A Texas law requires a **regular session** to begin on the second Tuesday in January of each odd-numbered year (for example, January 14 in 2003 and January 11 in 2005). In practice, these regular biennial sessions always run for the full 140 days authorized by the Texas Constitution (for example, through June 2 in 2003 and May 30 in 2005). These legislative sessions mean big money for many Austin businesses. Spending by legislators and lobbyists, along with people who work for them, was expected to provide an estimated $12 million boost for the Austin economy during the 78th regular session in 2003.[5]

Special sessions, lasting no longer than 30 days each, may be called by the governor at any time. During a special session, the legislature may consider only those matters placed before it by the governor. Such limits indicate a deep-seated popular distrust of legislators and a fear of change. Governor Bill Clements expressed his sentiments with the statement that "all kinds of bad things can happen when the legislature is in session."

Because special sessions were common until 1993, particularly for the purpose of dealing with budgetary problems, some legislators have advocated annual sessions. In 1993, for example, the Senate approved a joint resolution proposing a constitutional amendment that would have authorized a 55-day budget session in each even-numbered year, but the proposal died in the House. Governor Perry announced on 18 June 2003 that he was calling the 78th Legislature into special session, beginning 30 June, for congressional redistricting. On 1 June the governor added 28 issues to this call.

Districting

Providing equal representation in a legislative chamber involves dividing a state into districts with approximately the same number of inhabitants. Population distribution changes constantly owing to migration of people and to different birthrates and death rates. Therefore, the boundaries of legislative districts must be redrawn periodically to ensure equitable representation. Such **redistricting** can be politically painful to a legislator. It may take away territory that has provided strong voter support for a particular lawmaker; it may add to a legislator's district an area that produces little support and much opposition; or it may include within a new district the residences of two or more representatives or senators, only one of whom can be reelected to represent the district.[6] The maps in Figures 6.1 and 6.2 show Senate districts used in 2002 to elect state senators for the 78th Legislature (2003–2005).

Framers of the Texas Constitution of 1876 stipulated that "the legislature shall, at its first session after the publication of each United States decennial census, apportion the State into Senatorial and Representative districts." Nevertheless, in the decades that followed, the legislature sometimes failed to redivide the state's population and map new districts for legislators. Thus, some districts became heavily populated and greatly underrepresented; others experienced population decline or slow growth, resulting in overrepresentation.

In 1948, the inequities of legislative districting in Texas finally led to the adoption of a state constitutional amendment designed to pressure the legislature to remedy this situation. Under the amendment, failure of the legislature to redistrict during the first regular session following a decennial census brings the Legislative Redistricting Board into operation. This board consists of the following five ex officio (that is, "holding other office") members: lieutenant governor, speaker of the House of Representatives, attorney general, comptroller of public accounts, and commissioner of the General Land Office. The board must meet within 90 days after the legislative session and redistrict the state within another 60 days.

Although the legislature drew new legislative districts after the federal censuses of 1950 and 1960, the Texas Constitution's apportionment formulas for the Texas House and Senate discriminated against heavily populated urban counties. These formulas were not changed until after the U.S. Supreme Court held in *Reynolds* v. *Sims* (1964) that "the seats in both houses of a bicameral state legislature must be apportioned on a population basis." This "one person, one vote" principle was applied first in Texas by a federal district court in *Kilgarlin* v. *Martin* (1965).

For more than four decades, every redistricting measure enacted by the Texas Legislature has resulted in complaints about **gerrymandering**. Gerrymandering involves drawing legislative districts to include or exclude certain groups of voters, thus giving the political party in power an advantage in elections.

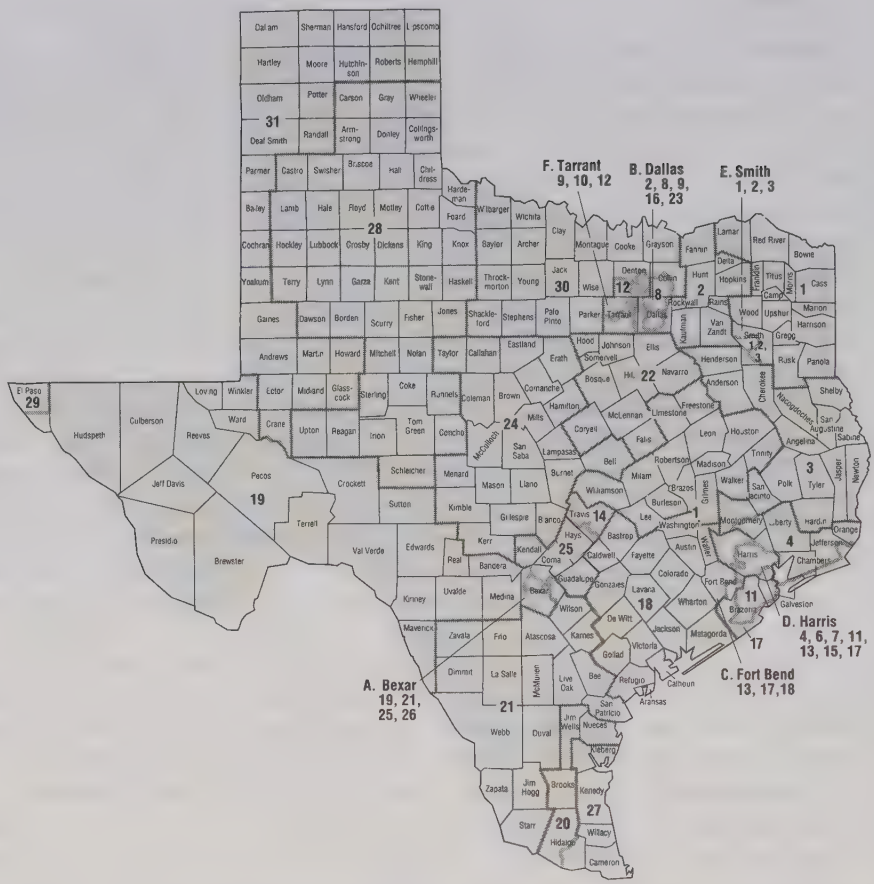


Figure 6.1 Texas State Senatorial Districts (used for electing state senators in 2002 for the 78th Legislature, January 2003–January 2005) *Source:* Texas Legislative Council.

Usually gerrymandered districts are oddly shaped rather than compact, as was the case with districts created under the guidance of Governor Elbridge Gerry for Massachusetts in 1812. Many state and federal court battles have been fought over the constitutionality of Texas's legislative districting arrangements.

Use of RedAppl (Redistricting Application) software, which runs on each legislator's computer, allows persons drawing new districts to see the ethnic and racial characteristics of voters added to or removed from a district as boundaries change. Senate and House districts are posted on the Internet at **www.tlc.state.tx.us/research/redist/redist.htm**. The RedViewer system allows Internet users to view district maps and population data.

Members of the Texas Senate have always represented **single-member districts**; that is, the voters of each district elect one senator. Most of the 31 sena-

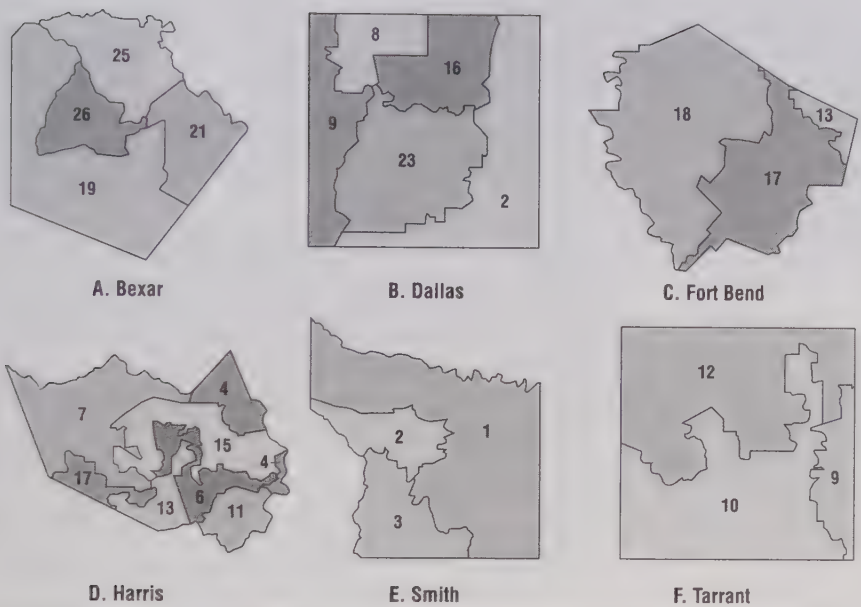


Figure 6.2 Texas Counties with State Senatorial Districts and Parts of Districts Not Drawn in Figure 6.1
Source: Texas Legislative Council.

torial districts cover several counties, but a few big-city senatorial districts are formed from the territory of one county or part of a county. Redistricting according to the 2000 federal census provides for a population of about 673,000 in each senatorial district.

Until 1971, a Texas county with two or more seats in the House used **multimember districts** to elect representatives at large who represented the whole county. Thus a voter in such a county could vote in all of the county's House races. In 1971, however, single-member districts were established in Harris, Dallas, and Bexar Counties. Four years later, the single-member districting system was extended to all other counties electing more than one representative. The change to single-member districts was largely a result of court actions. (For example, see *White* v. *Regester,* 412 U.S. 755 [1973].) Today, all representatives are elected on a single-member-district basis. The maps in Figures 6.3 and 6.4 show House districts used in 2002 to elect representatives for the 78th Legislature (2003–2005). Election results demonstrate that single-member districts reduce campaign costs and increase the probability that more African American and Latino candidates will be elected. As a result of the 2000 federal census, redistricting provided each state representative district with a population of approximately 139,000. (For details concerning

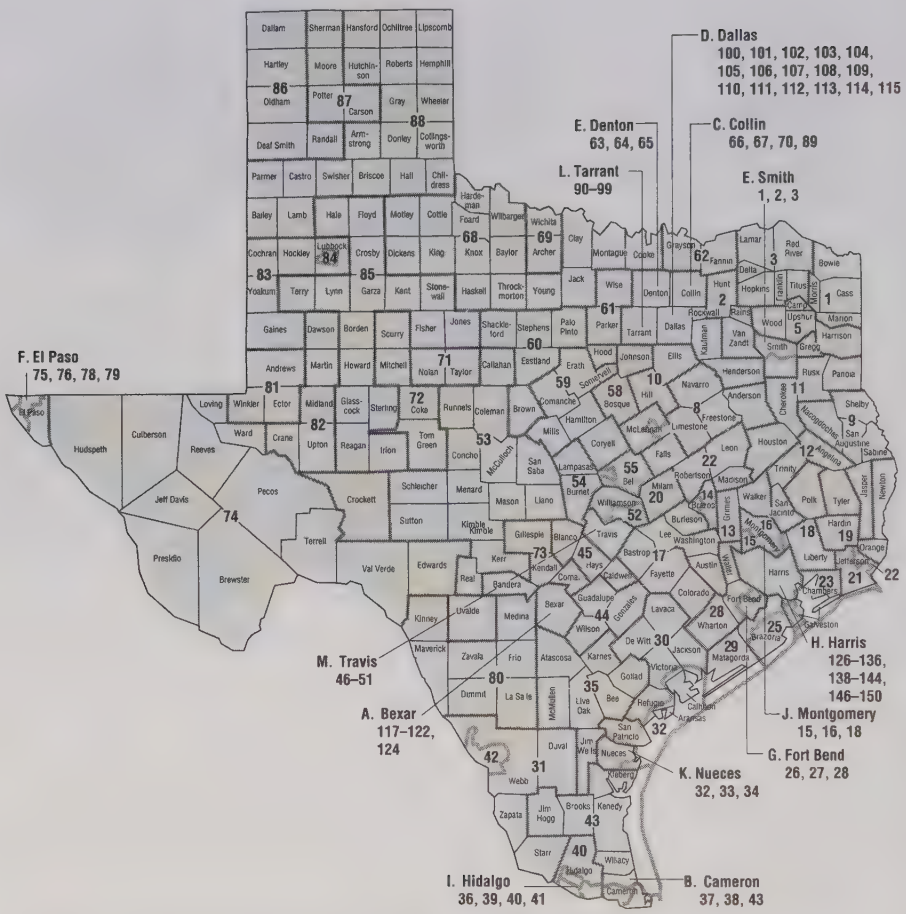


Figure 6.3 Texas State House Districts (used for electing state representatives in 2002 for the 78th Legislature, January 2003–January 2005) *Source:* Texas Legislative Council.

Senate and House districting in Texas and California in 2001, see Reading 6.1, "Legislative Redistricting and Electoral Results in the Twenty-First Century: A Comparision of Texas and California.")

In the year following each federal census the Texas Legislature is supposed to draw new district lines for its U.S. congressional districts (from which representatives to the U.S. House of Representatives are elected) and for its State Board of Education (SBOE) districts, to make the number of people in each district roughly equal. Results of the 2000 federal census indicated that each of Texas's 32 congressional districts should have a population of about

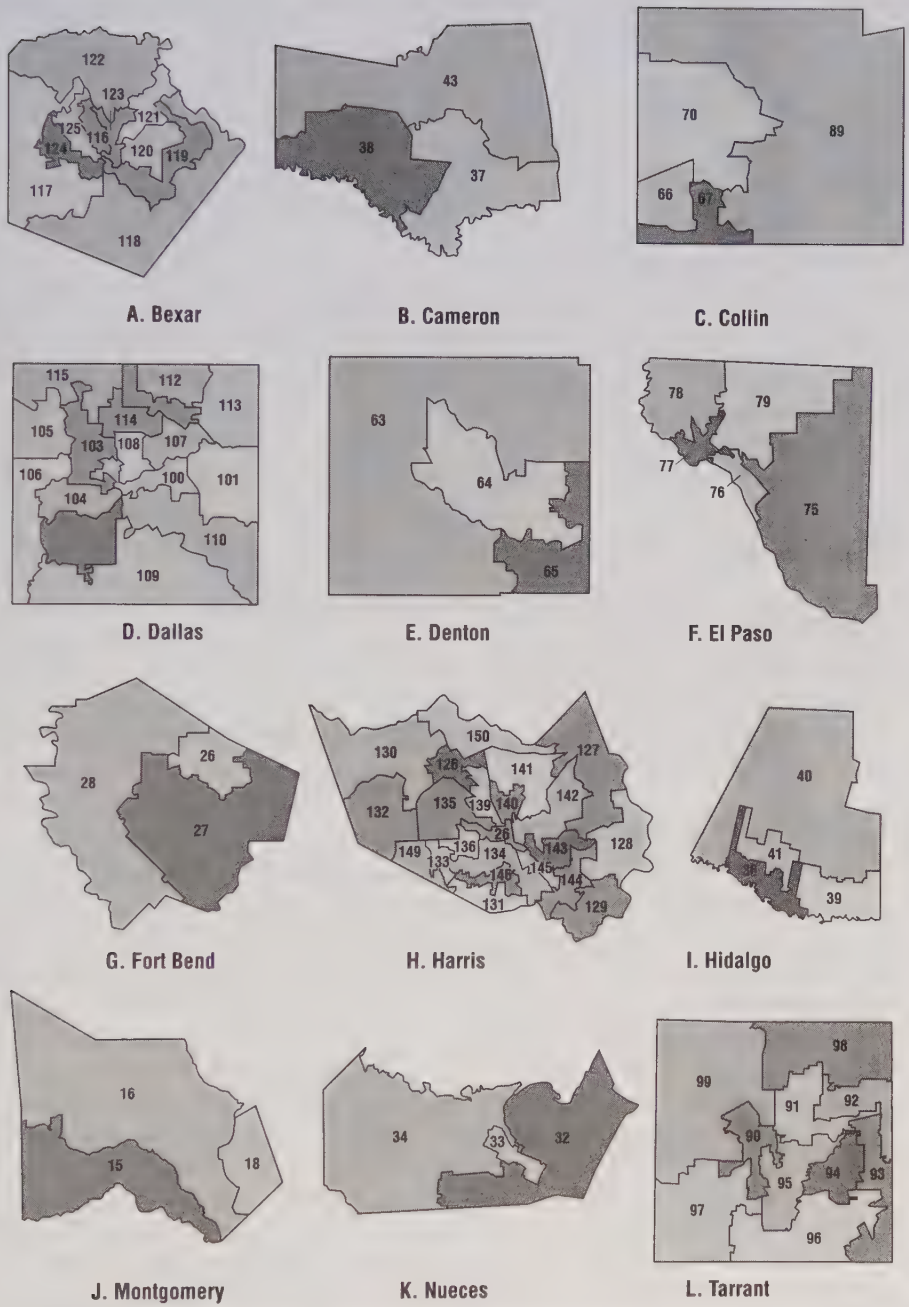


Figure 6.4 Texas Counties with State House Districts and Parts of Districts Not Drawn in Figure 6.3

Source: Texas Legislative Council.

652,000 and each of its 15 SBOE districts should have a population of about 1.4 million.

However, in 2001, the Texas Legislature failed to pass a bill to redistrict Texas's seats in the U.S. House of Representatives. Likewise, the legislature failed to draw new district lines for the SBOE. Because congressional and SBOE districting does not fall within the jurisdiction of the Legislative Redistricting Board, and because Governor Perry was opposed to calling a special session of the legislature, it fell to federal judges to carry out these redistricting tasks before the 2002 elections.[7]

In November 2002, Texas Republicans won 15 U.S. House seats while Democrats won 17. Wanting more GOP representation in Washington, U.S. House majority leader Tom DeLay insisted that the Texas Legislature should draw new districts in 2003. But near the end of the 78th regular session, 51 Democrats broke a House quorum by fleeing to Ardmore, Oklahoma, staying until time ran out for voting on a redistricting bill in Austin. Subsequently, Governor Perry called a special session for congressional redistricting.

Compensation

Many states pay legislators ridiculously low salaries (for example, an average of $300 per year in Rhode Island and $100 per year in New Hampshire). In contrast, California's assemblymen receive an annual salary of $99,000, and its senators are paid $120,000. Members of the Texas Legislature receive low pay, reasonable allowances, and a relatively generous retirement pension after a minimum period of service.

Pay and Per Diem Allowance

Originally, Texas legislators' salaries and per diem (daily) personal allowances during a regular or special session were specified by the state constitution and could be changed only by constitutional amendment. Thus a 1975 amendment increased annual salaries from $4,800 to $7,200 for senators, representatives (including the speaker of the House), and the president of the Senate (the lieutenant governor). That amendment also increased their per diem allowance from $12 to $30. Since adoption of a 1991 amendment, however, the Texas Ethics Commission sets the per diem allowance and may recommend salary increases for legislators and even higher salaries for the speaker and the lieutenant governor. Such salary changes must be submitted to Texas voters for approval or disapproval at the next general election. After more than a decade, however, the Texas Ethics Commission has yet to recommend salary increases.

For the 78th Legislature, which convened in January 2003, the per diem allowance was $124 for senators, representatives, and the lieutenant governor. This amounted to a total of $17,360 per official for the 140-day regular session. (The maximum amount permitted as a federal income tax deduction by



How Do We Compare . . . in Salary of Legislators?

Annual Salary of Legislators for the Year of the Last Regular Session (as of 29 March 2001)

Most Populous U.S. States	Annual Salary	U.S. States Bordering Texas	Annual Salary
California	Assembly $99,000	Arkansas	$12,796
	Senate $120,000	Louisiana	$16,800
Florida	$27,900	New Mexico	NA*
New York	$79,500	Oklahoma	$38,400
Texas	**$7,200**		

Source: *The Book of the States, 2002* (Lexington, Ky.: Council of State Governments, 2002), 86–87.

*Legislators in New Mexico receive mileage and a per diem allowance but are not paid an annual salary.

the Internal Revenue Service was $125 per day.) No salary increases had been recommended and approved, however, so in 2003 all Texas legislators (including the House speaker) and the lieutenant governor were still receiving an annual salary of only $7,200.

Although prohibited by law, some legislators supplement their income by using campaign funds for personal spending. Describing how they "appear willing to give the term *campaign funds* the widest possible definition," the editor of a major Texas newspaper stated: "Texas lawmakers are in the habit of using campaign funds for luxury 'campaign cars,' defense attorney fees, unidentified credit card expenses, unspecified gifts, unitemized travel, and club and association dues."[8]

Contingency Expense Allowances

Each chamber authorizes contingency expense allowances for its members. For example, the House authorized every representative's operating account to be credited monthly, from January 2003 to January 2005, with $10,750 (the same amount authorized for the preceding two years). House members in the 78th Legislature could use money in this account to cover the cost of travel, postage, office operations, and staff salaries.

During the regular session of the 78th Legislature, Senate committee chairs were restricted to not more than $32,000 per month for secretarial and other office staff salaries and for staff travel within Texas. Other senators, who were not assisted by committee employees, had the slightly higher maximum monthly allowance of $34,000, but this was $1,000 less than the maximum allowed during the 77th Legislature.

In June 2000, former representative Gilbert Serna (D–El Paso) pled guilty to taking $14,000 in kickbacks from two members of his staff between 1995 and 1998. In addition, he admitted using more than $600 in state money to



Representatives Martha Wong (R-Houston) and Debbie Riddle (R-Tomball) (©Bob Daemmrich Photography, Inc.)

pay a gardener who worked in his restaurant. As punishment, Travis County district judge John Wisser ordered Serna to pay fines and restitution amounting to more than $17,000; to perform 200 hours of community service; to spend 90 days in jail on weekends over a period of 2 years; and to serve 10 years (until June 2010) under community supervision (adult probation).[9]

Retirement Pension

Under the terms of the State Employees Retirement Act of 1975, legislators contribute 8 percent of their salaries to a retirement fund. Retirement pay for senators and representatives amounts to 2.3 percent of a district judge's salary for each year served. As a result of an unpublicized amendment slipped into a state employee benefits bill passed in 1991, a legislator with 12 years of service may retire at age 50, or with 8 years of service at age 60. Thus, a legislator who serves 30 years becomes eligible for a pension of more than $70,000 per year. And a legislator who serves for 8 years becomes eligible for a pension of more than $18,000 per year. Of course, many legislators do not serve long enough to qualify for a pension.

Membership

Members of the Texas Legislature must meet specific state constitutional qualifications concerning citizenship, voter status, state residence, district residence, and age. Despite such restrictions, millions of Texans possess all the prescribed legal qualifications. As is true of the memberships in other state legislatures, however, the biographical characteristics of members of recent Texas legislatures suggest restricted opportunities for election to either of the two chambers.

Qualifications of Members

The Texas Constitution specifies that House and Senate members must be citizens of the United States, qualified Texas voters, and residents of the districts they represent for one year immediately preceding a general election. In matters of state residence and age, however, qualifications differ between the two chambers. (See Table 6.1.)

A House candidate must have resided in Texas for two years before being elected, whereas a Senate candidate must have five years of state residence. To be eligible for House membership, a person must be at least 21 years of age; to serve in the Senate, a person must be at least 26. If there is a question concerning constitutional qualifications or a dispute over election returns, each legislative chamber determines who will be seated.

Characteristics of Members

The typical Texas legislator is an Anglo Protestant male between 35 and 50 years of age, was born in Texas, is an attorney or a businessperson, and has served one or more previous terms of office. Such characteristics do not guarantee any predetermined reaction to issues and events, but legislators tend to be influenced by their experience and environment, both of which have policy

Table 6.1 Constitutional Qualifications for Membership in the Texas Legislature

Qualification	House	Senate
Citizenship	United States citizen	United States citizen
Voter status	Qualified Texas voter	Qualified Texas voter
Residence in district to be represented	1 year immediately preceding election	1 year immediately preceding election
Texas residence	2 years immediately preceding election	5 years immediately preceding election
Age	21 years	26 years

Source: Constitution of Texas, Art. 3, Secs. 6 and 7.

Table 6.2 Some Characteristics of Texas Legislators at the Beginning of the 62nd Through the 78th Legislatures, 1971–2003

No. of regular session	Year of regular session	Total membership	POLITICAL PARTY				RACIAL/ETHNIC CLASSIFICATION								GENDER			
			Democrats		Republicans		Anglos		Latinos		African Americans		Asian Americans		Men		Women	
			No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
HOUSE OF REPRESENTATIVES																		
62nd	1971	150	140	93.33	10	6.67	137	91.33	11	7.33	2	1.33	0	00.00	149	99.33	1	0.67
63rd	1973	150	133	88.67	17	11.33	131	87.33	11	7.33	8	5.33	0	00.00	145	96.67	5	3.33
64th	1975	150	134	89.33	16	10.67	127	84.67	14	9.33	9	6.00	0	00.00	143	95.33	7	4.67
65th	1977	150	132	88.00	18	12.00	119	79.33	18	12.00	13	8.67	0	00.00	140	93.33	10	6.67
66th	1979	150	128	85.33	22	14.67	118	78.67	18	12.00	14	9.33	0	00.00	139	92.67	11	7.33
67th	1981	150	114	76.00	36	24.00	119	79.33	18	12.00	13	8.67	0	00.00	139	92.67	11	7.33
68th	1983	150	115	76.67	35	23.33	117	78.00	21	14.00	12	8.00	0	00.00	137	91.33	13	8.67
69th	1985	150	98	65.33	52	34.67	118	78.67	19	12.67	13	8.67	0	00.00	135	90.00	15	10.00
70th	1987	150	94	62.67	56	37.33	118	78.67	19	12.67	13	8.67	0	00.00	134	89.33	16	10.67
71st	1989	150	93	62.00	57	38.00	118	78.67	19	12.67	13	8.67	0	00.00	134	89.33	16	10.67
72nd	1991	150	92	61.33	58	38.67	117	78.00	20	13.33	13	8.67	0	00.00	131	87.33	19	12.67
73rd	1993	150	91	60.67	59	39.33	110	73.33	26	17.33	14	9.33	0	00.00	125	83.33	25	16.67
74th	1995	150	88	58.67	62	41.33	110	73.33	26	17.33	14	9.33	0	00.00	121	80.67	29	19.33
75th	1997	150	82	54.67	68	45.33	108	72.00	28	18.67	14	9.33	0	00.00	120	80.00	30	20.00
76th	1999	150	78	52.00	72	48.00	108	72.00	28	18.67	14	9.33	0	00.00	121	80.67	29	19.33
77th	2001	150	78	52.00	72	48.00	108	72.00	28	18.67	14	9.33	0	00.00	120	80.00	30	20.00
78th	2003	150	62	41.33	88	58.67	105	70.00	30	20.00	14	9.33	1	00.67	118	78.67	32	21.33
SENATE																		
62nd	1971	31	29	93.55	2	6.45	29	93.55	1	3.23	1	3.23	0	0	30	96.77	1	3.23
63rd	1973	31	28	90.32	3	9.68	29	93.55	2	6.45	0	0.00	0	0	30	96.77	1	3.23
64th	1975	31	28	90.32	3	9.68	29	93.55	2	6.45	0	0.00	0	0	30	96.77	1	3.23
65th	1977	31	28	90.32	3	9.68	28	90.32	3	9.68	0	0.00	0	0	30	96.77	1	3.23
66th	1979	31	27	87.10	4	12.90	27	87.10	4	12.90	0	0.00	0	0	30	96.77	1	3.23
67th	1981	31	24	77.42	7	22.58	27	87.10	4	12.90	0	0.00	0	0	30	96.77	1	3.23
68th	1983	31	26	83.87	5	16.13	26	83.87	4	12.90	1	3.23	0	0	31	100.00	0	0.00
69th	1985	31	25	80.65	6	19.35	26	83.87	4	12.90	1	3.23	0	0	30	96.77	1	3.23
70th	1987	31	25	80.65	6	19.35	23	74.19	6	19.35	2	6.45	0	0	28	90.32	3	9.68
71st	1989	31	23	74.19	8	25.81	23	74.19	6	19.35	2	6.45	0	0	28	90.32	3	9.68
72nd	1991	31	23	74.19	8	25.81	24	77.42	5	16.13	2	6.45	0	0	27	87.10	4	12.90
73rd	1993	31	18	58.06	13	41.94	23	74.19	6	19.35	2	6.45	0	0	27	87.10	4	12.90
74th	1995	31	17	54.84	14	45.16	24	77.42	5	16.13	2	6.45	0	0	27	87.10	4	12.90
75th	1997	31	14	45.16	17	54.84	22	70.97	7	22.58	2	6.45	0	0	28	90.32	3	9.68
76th	1999	31	15	48.39	16	51.61	22	70.97	7	22.58	2	6.45	0	0	28	90.32	3	9.68
77th	2001	31	15	48.39	16	51.61	22	70.97	7	22.58	2	6.45	0	0	27	87.10	4	12.90
78th	2003	31	12	38.71	19	61.29	22	70.97	7	22.58	2	6.45	0	0	27	87.10	4	12.90

Sources: Texas Legislative Reference Library and Texas Legislative Council.

consequences. Any study of the legislature must pay some attention to the biographical characteristics of legislators. (See Table 6.2 for data on political party affiliation, racial/ethnic classification, and gender of legislators from 1971 to 2003.)

Points to Ponder

- Early in the legislature's 75th regular session (1997), Senator Drew Nixon (R-Carthage) was arrested in South Austin with an unlicensed handgun in his automobile after he was taped and filmed bargaining for sex from an undercover policewoman. After the session ended, he pled guilty to Class B misdemeanor charges and served a six-month sentence in a halfway house on weekends while continuing in office.
- In 1999, a 20-year-old Brazosport College student working for Senator J. E. "Buster" Brown (R–Lake Jackson) complained that he had fondled and attempted to kiss her while giving her a golf lesson in his law office. Although Brown publicly gave his former employee a letter of apology, the Republican executive committees for Brazoria and Fort Bend Counties called for the 57-year-old senator's immediate resignation. Brown rejected this demand and continued in office until the end of August 2002, when he resigned to become chairman of WaterTex, an Austin-based water development company.

Gender Classification Anglo males continue to dominate the Texas Legislature, but their number has declined in recent years. At the beginning of the 62nd Legislature's regular session in January 1971, only one woman senator was listed on the legislative rolls. Thirty-two years later, when the 78th Legislature convened in January 2003, the number of women had increased to 36 (4 senators and 32 representatives). Two of the senators were Anglo Republicans; the other two were Latina Democrats. Twelve of the representatives were Democrats (6 Latinas and 6 African Americans), and 20 were Republicans (18 Anglos, 1 Latina, and 1 Asian American). Nevertheless, because about 51 percent of Texas's inhabitants and 53 percent of its registered voters are women, their representation in the legislature continues to be disproportionately low.[10]

Racial/Ethnic Classification Representation of racial/ethnic minorities increased substantially from the late 1960s through the early 1990s. Barbara Jordan, the first African American to be elected to the Texas Senate in the twentieth century, served from 1967 until she was seated in the U.S. Congress in 1973.

At the beginning of the regular session of the 78th Legislature in 2003, Senate seats were held by 2 African Americans and 7 Latinos. In the House, there were 14 African American representatives and 30 Latino representatives. Despite the fact that both African Americans and Latinos have been underrepresented in the Texas Legislature, total African American representation increased from 3 legislators in 1971 to 16 in 2003, and the number of Latino



Judy Conradt (left), coach of the women's basketball team of the University of Texas at Austin, talking with Senator Judith Zaffirini (right) on the day that Coach Conradt was honored by the Senate for winning the 800th game in her coaching career. (Senate Media Services)

legislators grew from 12 to 37 during that 32-year period. Martha Wong (R-Houston), Texas's second Asian American legislator, became a House member in 2003. The first was Thomas J. Lee (D–San Antonio, Jan. 1965–Jan. 1967).

Political Party Affiliation In the election of 1960, no Republican won a seat in the 57th Legislature; 42 years later, 19 Republican senators and 88 Republican representatives were elected to serve in the 78th Legislature. Thus, between January 1961 and January 2003, the political division in the House shifted from a total of 150 Democrats and no Republicans to a majority of 88 Republicans and a minority of 62 Democrats. During that same period, the political lineup in the Senate changed from 31 Democrats and no Republicans to a minority of 12 Democrats and a majority of 19 Republicans. Since January 2003, when Republicans began operating with comfortable majorities in both the House and the Senate, there have been more party-line votes in each chamber. Such voting involves Democrats voting one way on an issue and Republicans voting the other way. Early in the 78th regular session, for example, House Republicans won an 88-33 party-line vote (with some Democrats ab-

staining) on the issue of whether to hold back House money that might be needed for a special session (as GOP representatives insisted) or returning an estimated $1.8 million to the state's general fund (as Democrats proposed).

Most African American and Latino legislators have been Democrats. Like African American and Latino legislators, Republican legislators tend to reside in metropolitan areas. But whereas African American and Latino lawmakers are usually elected by central-city residents, Republican senators and representatives receive their strongest support from suburban voters. Because legislative districts in the area extending from South Texas to El Paso tend to have large numbers of Latinos in both rural and urban areas, voters in most of those districts elect Democrats who are Latinos.

Age The minimum age qualifications set by the Texas Constitution are 26 years for senators and 21 years for representatives, but legislators are rarely under 30. In recent years, the average age of senators (mid-50s) has tended to be slightly higher than those of representatives (late 40s).

Occupation Traditionally Texas legislators have included a large number of attorneys, many business owners or managers, lesser numbers of real estate and insurance people, and some farmers and ranchers. Teachers, medical personnel, engineers, and accountants have held very few legislative seats, and almost none have been held by laborers. Although most legislators are identified with only one occupation, others claim two or more, and several are business executives who also serve on boards of directors of various companies. Such a variety of occupational backgrounds provides a broad range of expertise in dealing with diverse public problems, but individuals with modest or low incomes are seldom elected to either chamber of the Texas Legislature.

Lawyer-legislators may receive retainers (payments) from corporations and special-interest groups, with the understanding that legal services will be performed if needed. In some cases, these retainer payments are intended to influence legislation rather than guarantee availability of legal counsel. It is also noteworthy that lawyer-legislators exercise a decisive influence in amending and revising the Penal Code and the Code of Criminal Procedure. But since 2003, a legislator may not represent a paying client before a state agency.

Individuals and corporations desiring to delay justice may seek the services of lawyer-legislators because these attorneys are entitled to obtain a continuance (that is, a postponement) of any case set for trial during a period extending from 30 days before to 30 days after a legislative session. As a result of blatant abuse of this privilege, a law was enacted that allows a judge to deny continuance when, within 10 days of the trial or any proceeding involving it, a lawmaker is hired to assist other lawyers handling a case. Since 2003, a legislator is required to disclose payment received for obtaining a continuance.

Two members of the 78th Legislature, Representative Ruben Hope (R-Conroe) and Representative Gabi Canales (D-Alice) were hired for different

cases by the Wyeth Company, formerly named American Home Products Corporation. This company manufactured fen-phen diet drugs that have been the subject of many lawsuits throughout the United States. Hope, a second-term representative, obtained delays for two fen-phen trials set in Houston courts. Canales, a first-term legislator with five years of legal experience handling mostly criminal and family cases, got delays for three cases. Her father, district court judge Terry Canales, had to remove himself from one of these cases, which had been in his Alice court for more than two years. Shortly before and shortly after the beginning of the 78th regular session, Canales took two more fen-phen cases in Upshur County, located in East Texas, about 400 miles northeast of Alice. In its ruling on an emergency appeal in one of her cases, the Fourth Court of Appeals in San Antonio approved the continuance but commented that Canales's recent employers had "engaged in, at the very least, questionable conduct by using the tactical advantage the legislative continuance provides."[11]

Education In government, as in business, most positions of leadership call for college credentials. Thus, it is not surprising to find that nearly all members of recent Texas legislatures attended one or more institutions of higher education. Most of them could claim a bachelor's degree, and many had graduate degrees or professional degrees (especially in law).

Religious Affiliation The Texas Constitution guarantees freedom of religion and prohibits use of public funds for the benefit of a sect or religious group. Since the era of the Texas Republic, Texans have tended to support separation of church and state, but this principle has become the subject of recent controversies. Because religion may play a critical role in the formulation of public policy, political analysts must take a legislator's denominational ties and church doctrines into consideration. These factors are especially important when considering legislation involving abortion, birth control, gambling, sale of alcoholic beverages, state aid to parochial schools, Sabbath observance, and other matters of vital concern to some religious groups but not others. In 1999, at the beginning of the 76th regular legislative session, the four most numerous religious affiliations reported by legislators were Roman Catholic, 31 percent; Baptist, 23 percent; Methodist, 18 percent (mostly senators); and Episcopalian, 7 percent. Four years later, incomplete data for members of the 78th Legislature indicated the same rankings but showed an increase in the percentage of Roman Catholic legislators.

Legislative Experience In a legislative body, experience is measured in terms of turnover (first-termers replacing experienced members) and tenure (years of service in a legislative chamber). (See Table 6.3.) Once elected, senators tend to remain in the Senate longer than representatives serve in the House. To some extent, this tendency is influenced by the fact that representatives

Table 6.3 Turnover and Tenure in the Texas House and Senate, 1971–2003

	House (150 members)				Senate (31 members)			
	Turnover		Tenure		Turnover		Tenure	
Year	No.	%	Avg. Years	8 or More Years	No.	%	Avg. Years	8 or More Years
1971	33	22	5.4	33	4	13	7.1	14
1973	77	51	3.6	24	14	45	5.1	8
1975	34	22	3.7	23	6	19	5.9	9
1977	42	28	3.7	25	3	10	7.0	9
1979	30	20	4.4	27	2	6	7.2	10
1981	36	24	4.4	40	6	19	5.4	13
1983	35	34	4.4	32	10	32	5.3	9
1985	32	21	4.7	42	2	6	6.0	11
1987	22	15	5.2	41	6	19	5.8	8
1989	24	16	5.9	48	5	16	5.9	10
1991	36	24	6.3	55	5	16	6.2	9
1993	34	23	5.6	48	8	26	5.6	10
1995	21	14	6.3	47	5	16	5.7	10
1997	30	20	5.1	36	6	19	5.6	8
1999	22	15	6.7	51	2	6	6.8	12
2001	11	7	8.2	73	2	6	8.6	18
2003	36	24	7.4	65	7	23	7.8	15

Source: Patricia Tierney Alofsin, *Term Limits: Tenure or Turnover*, Special Legislative Report No. 186 (Austin: House Research Organization, 1994), 25–27, and files of the Texas Legislative Reference Library.

occasionally pass up opportunities for nomination and reelection to make a bid for a Senate seat or some other office.

Some legislators simply grow weary of political battle and drop out of politics to pursue a quieter life. Others withdraw because of redistricting problems, financial difficulties, family opposition to continued political activity, or employment opportunities that will not permit legislative service (such as becoming a lobbyist). Special sessions and the burden of interim committee work performed between sessions pose major problems. Legislators cannot live on their meager state salaries, so most practice a profession or manage a business that competes for their time.

As a general rule, lawmakers do not become very effective until they spend two or more years working with constituents, bureaucrats, lobbyists, fellow legislators, and other elected officials. Many Americans believe, however, that long legislative tenure should be discouraged if not prohibited. In the 1990s, unsuccessful efforts were made to propose term limits amendments to the Texas Constitution.

Powers and Immunities

Although bound by restrictions not found in many state constitutions, the legislature is the dominant branch of Texas government and the chief agent in making public policy. Through control of government spending, for example, legislators make state agencies and personnel—and, to some extent, units of local government—dependent on them. In addition to their constitutional powers, lawmakers enjoy certain immunities designed to allow them to function freely.

Legislative Powers

Using language reminiscent of George Orwell's *Animal Farm*, we may say that whereas all powers exercised by the Texas Legislature are, in a sense, legislative, some are more legislative than others. The more typical exercise of legislative power involves making public policy by passing bills and adopting resolutions. As explained later, each bill or resolution has a distinctive abbreviation that indicates the chamber of origin, and every legislative proposal is designated by a number indicating the order of introduction.

Simple Resolutions Abbreviated H.R. (House Resolution) if introduced in the House and S.R. (Senate Resolution) if introduced in the Senate, a **simple resolution** involves action by one house only and is not sent to the governor. Adoption requires a simple majority vote (more than half) of members present. Matters dealt with by simple resolution include rules of the House and Senate, procedures for House and Senate operation, and invitations extended to nonmembers to address the chambers.

Concurrent Resolutions After adoption by simple majority votes of members present in the House and in the Senate, a **concurrent resolution** (H.C.R. or S.C.R.) is sent to the governor, who has two options: sign it or veto it. Typical examples are resolutions requesting action by the U.S. Congress or information from state agencies, establishing joint study committees composed of senators and representatives, or granting permission to sue the state. An exception is the concurrent resolution to adjourn at the end of a legislative session; this measure does not require approval by the governor.

Joint Resolutions Adoption of a **joint resolution** (H.J.R. or S.J.R.) requires approval by both houses, but the governor's signature is not necessary. Proposed amendments to the Texas Constitution are examples of joint resolutions requiring a two-thirds majority vote of the membership of each house. To date, all proposed amendments to the U.S. Constitution initiated by Congress, with the exception of the Twenty-First Amendment, have been submitted to state legislatures for ratification. The Texas Legislature ratifies a proposed

How Do We Compare . . . in Number of Bills Introduced and Enacted in the Legislature?

Bills Introduced and Enacted: 2000 and 2001 Regular Sessions

Most Populous U.S. States	Bills Introduced	Bills Enacted	U.S. States Bordering Texas	Bills Introduced	Bills Enacted
California	7,080	3,315	Arkansas[a]	2,643	1,843
Florida	4,695	494	Louisiana	3,607	1,301
New York	19,026	1,200	New Mexico	2,735	485
Texas[a]	**5,544**	**1,601**	Oklahoma	1,614	618

Sources: *The Book of the States: 2002* (Lexington, Ky.: Council of State Governments, 2002), 111–112; New York Senate and Assembly; and New Mexico Legislative Council.

[a]No regular session in 2000.

U.S. constitutional amendment with a joint resolution adopted by simple majority votes of members present in both houses.

Bills Before enactment, a proposed law is known as a **bill** (H.B. or S.B.). Each regular session brings forth an avalanche of bills, but less than half of them become law. In the regular session of the 78th Legislature (2003), for example, 3,636 bills were introduced in the House and 1,956 in the Senate. Passed by both chambers were 821 House bills and 559 Senate bills. The governor vetoed 31 House bills and 17 Senate bills. He signed all of the 275 concurrent resolutions and allowed 14 bills to become law without his signature.[12]

For purposes of classification, bills are divided into three categories: special, general, and local. A special bill makes an exception to general laws for the benefit of a specific individual, class, or corporation. Of greater importance are general bills, which apply to all people or property in all parts of Texas. To become law, a bill must pass by simple majority votes of members present in both the House and the Senate, but a two-thirds majority vote of the membership in each chamber is required to pass an emergency measure that will take effect as soon as the governor signs it.

A local bill creates or affects a single unit of local government (for example, a city, county, or special district). Such bills are usually passed without opposition if sponsored by all legislators representing the affected area. Constitutional limitations on subjects of local bills have led to the enactment of bracket bills, which are special bills disguised as general bills. However, House rules prohibit the application of a bracket bill to an unnamed city or another unit of government that is the only one in Texas falling within the specified population bracket. For example, a bill referring to "cities with population between 174,000 and 175,000" would cover only the city of Amarillo, according to the 2000 federal decennial census.

Other Powers

Although the Texas Legislature exercises its principal powers by passing bills and adopting resolutions, the House and Senate have other important powers. Some of these powers relate only indirectly to the lawmaking function.

Constitutional Amendment Power Both legislative chambers are involved in proposing amendments to the Texas Constitution. A proposal is officially made when the joint resolution is approved by a two-thirds majority vote of the total membership of each house. (The constitutional amendment process is covered in detail in the chapter "Federalism and the Texas Constitution.")

Administrative Power Most of the governor's appointments to boards and commissions that head state agencies must be submitted to the Senate and approved by at least two-thirds of the senators present. Thus, one chamber of the legislature is in a position to influence the selection of many important officials. Moreover, the unwritten rule of **senatorial courtesy** requires that the Senate "bust" (reject) an appointment if the appointee is declared "personally objectionable" by the senator representing the district in which the appointee resides.

Further legislative control over administrative matters is exercised through enactment of laws establishing and, in some cases, abolishing various state agencies. The legislature also defines the responsibilities of these agencies and imposes restrictions on them through appropriation of money for their operation and through general oversight of their activities.

One form of administrative supervision involves requiring state agencies to make both periodic and special reports to the legislature. The state auditor, who provides information concerning irregular or inefficient use of funds by administrative agencies, is appointed for a two-year term by the Legislative Audit Committee. This six-member committee is composed of the speaker, the chair of the House Appropriations Committee, the chair of the House Ways and Means Committee, the lieutenant governor, the chair of the Senate Finance Committee, and the chair of the Senate State Affairs Committee. Members elect the committee chair.

Another important instrument of control over state administration is the legislature's Sunset Advisory Commission, which makes recommendations concerning the continuation of nearly all state agencies. (See the chapter "Public Policy and Administration" for details concerning the organization and function of this commission.)

Investigative Power To obtain information about problems requiring remedial legislation, the legislature may subpoena (summon) witnesses to testify, administer oaths, and compel submission of records and documents. Such action may be taken jointly by the two houses as a body, by one house, or by a

committee of either house. Refusal to obey a subpoena may result in prosecution for contempt of the legislature, which is a misdemeanor offense punishable by a jail sentence of from 30 days to a year and a fine ranging from $100 to $1,000. Legislative investigations that led to reforms include probes of higher education in South Texas, rural health care delivery, and the insurance industry.

Impeachment Power The House of Representatives has the power to impeach judges of hundreds of district courts, justices of the 14 state courts of appeals and the Supreme Court of Texas, and judges of the Texas Court of Criminal Appeals. Also, the House may impeach executive officers, such as the governor, the attorney general, the comptroller of public accounts, and the commissioner of the General Land Office. Impeachment power is rarely used, however.

Impeachment involves bringing charges by a simple majority vote of House members present; it resembles the indictment process of a grand jury. Following impeachment, the Senate renders judgment after a proceeding that resembles a court trial. Conviction requires a two-thirds majority vote of the Senate membership. The only punishment that may be imposed is removal from office and disqualification from holding any other public office under the Texas Constitution. If a crime has been committed, the deposed official may also be prosecuted before an appropriate court like any other person.

Immunities

In addition to their constitutional powers, state senators and representatives enjoy legislative immunities conferred by the Texas Constitution. First, they may not be sued for slander or otherwise held accountable for any statements made in a speech or debate during the course of a legislative proceeding. Of course, this protection does not extend to remarks made under other circumstances. Second, they may not be arrested while attending a legislative session or while traveling to or from the legislature's meeting place for the purpose of attending, unless charged with "treason, felony, or breach of the peace."

Presiding Officers

Merely bringing 181 men and women together in the Capitol does not ensure the making of laws or any other governmental activity. If several people are to transact official business jointly, there must be organized effort. The basic organization of the legislature is prescribed by the Texas Constitution. For example, it designates the lieutenant governor as president of the Senate and provides for the election of a speaker to preside over the House of Representatives.

President of the Senate: The Lieutenant Governor

The most important function of the lieutenant governor of Texas is to serve as **president of the Senate.** Just as the vice president of the United States is empowered to preside over the U.S. Senate but is not a member of that national lawmaking body, so the lieutenant governor of Texas is not a member of the state Senate.

Chosen by the people of Texas in a statewide election for a four-year term, the lieutenant governor is first in line of succession in the event of the death, resignation, or removal of the governor. When the governor is absent from the state, the lieutenant governor serves as acting governor and receives the gubernatorial salary, which amounted to nearly $350 per day in 2003. Ordinarily, however, the lieutenant governor's salary is the same as those of senators and representatives: $7,200 per year, which amounts to less than $20 per day.

After Governor George W. Bush was elected U.S. president in 2000, Lieutenant Governor Rick Perry succeeded him in the state's highest executive office. Subsequently, members of the Senate elected Senator Bill Ratliff (R–Mt. Pleasant) as acting lieutenant governor to serve until January 2003.[13] Although Ratliff decided to seek election as lieutenant governor in 2002, he bowed out of the race because of the expense of campaigning and was elected for another Senate term. Republican David Dewhurst, a multimillionaire who was serving as commissioner of the General Land Office, was elected and took office in January 2003.

As president of the Texas Senate, the lieutenant governor exercises the following important powers:

- Appoints all Senate committee chairs and vice chairs (but cannot remove them)
- Appoints Senate committee members
- Determines the Senate committee to which a bill will be sent after introduction
- Recognizes senators who wish to speak on the Senate floor or to make a motion (for example, to take up a bill out of order of calendar listing)
- Votes to break a tie vote in the Senate
- Chairs the Legislative Council (a research arm of the legislature)
- Chairs the Legislative Budget Board
- Serves on the Legislative Audit Committee

Given these powers (most of which have been granted by the Senate rather than the constitution), the lieutenant governor of Texas is perhaps the most powerful officer in the state, especially when the legislature is in session.

At the beginning of each session, the Senate elects a president pro tempore, who presides when the lieutenant governor is absent or disabled. At the end of a session, a new president pro tempore is named for the interim period.

Customarily, on the basis of seniority—that is, years of cumulative service as a member of the Senate—the office is passed around among those senators who have not yet served as president pro tempore. By custom, the governor and lieutenant governor arrange to be absent from the state for one day during the president pro tempore's term, so that official can serve as governor for one day—an event that involves a swearing-in ceremony and celebration.

Speaker of the House

The presiding officer of the House of Representatives is the **speaker of the House**, a representative who is elected to that office in an open (not secret) vote by the House membership for a two-year term. Like the lieutenant governor in the Senate, the speaker controls proceedings in the House. Included among the speaker's more important powers are the following:

- Appoints (but cannot remove) all chairs and vice-chairs of House substantive and procedural committees
- Appoints all members of House procedural committees
- Appoints House substantive committee members within limitations of the seniority rule, but this rule does not apply to the House Appropriations Committee
- Recognizes members who wish to speak on the House floor or to make a motion
- Assigns bills and resolutions to House committees
- Vice-chairs the Legislative Council
- Vice-chairs the Legislative Budget Board
- Serves on the Legislative Audit Committee

House rules authorize the speaker to name another representative to preside over the chamber temporarily. The speaker may also name a member of the House to serve as permanent speaker pro tempore for as long as the speaker desires. A speaker pro tempore performs all the duties of the speaker when that officer is absent.

Because of the speaker's power, filling this House office involves intense political activity. Lobbyists make every effort to ensure the election of a sympathetic speaker, and potential candidates for the position begin to line up support several months or even years before a speaker's race begins. Long before election of a speaker, anyone aspiring to that office will attempt to induce House members to sign cards pledging their support. House rules, however, prohibit soliciting written pledges during a regular session. Once elected, a speaker usually finds it easier to obtain similar pledges of support for reelection in future regular sessions.

Having served as speaker for a record-breaking five terms (1983–1993), Gib Lewis (D–Fort Worth) left that $7,200-per-year office after pleading no



Representative Elvira Reyna (R-Mesquite) and Speaker Tom Craddick (R-Midland) at the front of the House chamber, with the San Jacinto battle flag in the background. (Photo courtesy Representative Reyna)

contest to charges that he had failed to report his financial interest in a Fort Worth investment company. Then he became a lobbyist, reportedly earning almost $600,000 in his first year (which is more than 80 times the annual salary he received as speaker).

After several months of courting fellow representatives and representatives-elect, cotton farmer Pete Laney (D–Hale Center) announced in November 1992 that he had sufficient pledges of support to guarantee his election as speaker at the beginning of the 73rd regular session in January 1993. Following his election, Laney surprised many observers when he led a movement to reform the House rules (including a slight reduction of the speaker's powers). He also took action to improve the image of the House by banning lobbyists from access to the back of that chamber and ending the practice of bringing margarita machines into the Capitol for the convenience of legislators, staff personnel, and others during end-of-session celebrations.

At the beginning of the 74th regular session in 1995—and again in 1997, 1999, and 2001—Laney was reelected without opposition as speaker. Although redistricting in 2001 stripped 9 counties from his old 12-county district and added 13 new counties, this political gerrymandering was not fatal for the veteran West Texas legislator. He defeated his Republican opponent in the November 2002 district election, but his long tenure in the speaker's office

ended at the beginning of the 78th regular session. The fact that 88 Republicans had won House seats in the 2002 elections guaranteed that the GOP would capture the speaker's office for the first time in more than 130 years. On 14 January 2003, House members elected Tom Craddick (R-Midland) as presiding officer in the House by a vote of 149-1. After casting the only dissenting vote, Representative Lon Burnam (D–Fort Worth) stated that he liked Craddick but explained, "I don't like the way he votes. I don't like his sense of ethics."[14] As did his three immediate, long-tenured predecessors (Bill Clayton, 8 years; Gib Lewis, 10 years, and Pete Laney, 10 years), Craddick appointed both Republicans (28) and Democrats (12) as committee chairs—but not Burnam!

Committee System

Presiding officers determine the committees to which bills will be referred. (See Table 6.4 for committee titles and numbers of members for House and Senate committees in the 78th Legislature.) In addition, and of special importance, is their power to appoint committee members as well as designate all committee chairs and vice chairs. Because both House and Senate committees play important roles in the fate or fortune of all bills and resolutions, selection of committee members goes far toward determining the amount and type of legislative output generated during a session. Consequently, lobbyists attempt to influence committee selection. Permanent staff personnel are available to assist legislators with committee work on a continuing basis, but tasks that committees might perform between sessions are often given to interim study committees. The presiding officers appoint members of all specially created committees.

House Committees

Until January 2003, House rules provided for a limited seniority system for all **substantive committees**, each of which considers bills and resolutions relating to the subject identified by a committee's name (for example, elections or transportation). At that time, the rules were changed to give Speaker Craddick authority to appoint a chair for budget and oversight for each of 27 substantive committees. These budget and oversight chairs serve on the important Appropriations Committee. Headed by a chair and a vice chair appointed by the speaker, this 29-member committee handles budget legislation.[15] A maximum of half the membership for other substantive committees—exclusive of the chair and the vice chair—is based on seniority. When a regular session begins, each representative, in order of seniority, designates three committees in order of preference. A representative is entitled to become a member of the committee of highest preference on which there is a vacant seniority position. Other committee members are appointed by the speaker. Seniority does not apply to

Table 6.4 Texas House and Senate Committees, 78th Legislature, January 2003–January 2005

House Committees (number of members)
Substantive Committees
Agriculture and Livestock (7)[a]
Appropriations (29)
Border and International Affairs (7)
Business and Industry (9)[a]
Civil Practices (9)
Corrections (7)[a]
County Affairs (9)
Criminal Jurisprudence (9)[a]
Defense Affairs and State-Federal Relations (9)[a]
Economic Development (7)[a]
Elections (7)[a]
Energy Resources (7)[a]
Environmental Regulation (7)[a]
Financial Institutions (7)[a]
Government Reform (7)
Higher Education (9)[a]
Human Services (9)[a]
Insurance (9)[a]
Judicial Affairs (9)[a]
Juvenile Justice and Family Issues (9)
Land and Resource Management (9)[a]
Law Enforcement (7)[a]
Licensing and Administrative Procedures (9)[a]
Local Government Ways and Means (7)
Natural Resources (9)[a]
Pensions and Investments (7)[a]
Public Education (7)[a]
Public Health (9)[a]
Regulated Industries (7)[a]
State Affairs (9)[a]
State Cultural and Recreational Resources (7)[a]
Transportation (9)[a]
Urban Affairs (7)[a]
Ways and Means (7)[a]

House Committees (number of members)
Procedural Committees
Calendars (11)
General Investigating (5)
House Administration (11)
Local and Consent Calendars (11)
Redistricting (15)
Rules and Resolutions (11)
Select Committees
Ethics (7)
Public School Finance (23)
State Health Care Expenditures (11)

Senate Committees (number of members)
Standing Committees
Administration (7)
Business and Commerce (9)
Criminal Justice (7)
Education (9)
Finance (15)
Government Organization (7)
Health and Human Services (9)
Infrastructure Development and Security (9)
Intergovernmental Relations (5)
International Relations and Trade (7)
Jurisprudence (7)
Natural Resources (11)
Nominations (7)
State Affairs (9)
Veteran Affairs and Military Installations (5)

Sources: Texas Legislative Handbook: 2003–2004 Legislative Roster with Committees (Austin: Texas State Directory Press, 2003); and Speaker Tom Craddick's news release, 29 April 2003, concerning the Select Committee on Public School Finance (www.house.state.tx.us/news/release.php?id=262).

[a]Budget and oversight chair is a member of the Appropriations Committee.

membership on the six **procedural committees**, each of which considers bills and resolutions relating primarily to an internal legislative matter (for example, calendars or House administration). All members of procedural committees are appointed by the speaker.

Although substantive and procedural committees are established under House rules adopted in each regular session, the speaker may independently create **select committees**. Such action may be taken at the beginning of a session so that the House can work on emergency legislation before appointments for House substantive committees have been made. In January 2003, for example, Speaker Craddick created select committees on Ethics and on State Health Care Expenditures, and he appointed all members.

To ensure that representatives' efforts are not divided among too many committees, membership is limited to no more than two substantive committees. Chairs of the powerful Appropriations Committee (spending of state money), Ways and Means Committee (taxes), and State Affairs Committee (many of the important subjects that do not involve spending and taxing) may not serve concurrently on another substantive committee.

Senate Committees

Senate rules provide for **standing committees** (but do not identify them as substantive or procedural committees) and **special committees** (for studying important policy issues between sessions, such as Mexican border problems in 2001–2002). The lieutenant governor, whose legislative title is president of the Senate, appoints all committee members and designates the chair and vice chair of each committee. This power of appointment extends also to the two three-member standing subcommittees: Agriculture (within the Committee on Natural Resources) and [Military] Base Realignment and Closure (within the Committee on Veterans Affairs and Military Installations). Also appointed by the lieutenant governor is one five-member standing subcommittee: Higher Education (within the Committee on Education). A senator serves on a maximum of three standing committees and is restricted to holding not more than one standing committee chair. At the beginning of the 78th regular session in 2003, Lieutenant Governor David Dewhurst appointed Republicans to chair nine standing committees and Democrats to chair six.

Legislative Caucus System

With the House and Senate firmly controlled for several years by Speaker Gib Lewis and Lieutenant Governor Bill Hobby, caucuses of like-minded members exercised limited influence on the Texas Legislature. Each of these presiding officers sought to absorb potential opponents within his team and to discourage caucuses—legislative organizations based on partisan, philosophical, racial, or ethnic interests. Later, however, caucus organizations increased in importance, but caucuses are prohibited from receiving public money and using state office space.[16]



House Democratic Caucus chair Jim Dunnam and others from the group of 51 "Killer Ds" who returned to the Capitol on 16 May 2003, after breaking a House quorum by fleeing to Ardmore, Oklahoma. Left to right, Mark Homer (Paris), Joe Deshotel (Beaumont), Elliott Naishtat (Austin), Aaron Pena (Edinburg), Jim Dunnam (Waco), John Mabry (Waco), Garnet Coleman (Houston), Trey Martinez Fischer (San Antonio), Dawna Dukes (Austin) and Jessica Farrar (Houston). *(Newsmakers photo/CORBIS)*

Party Caucuses

Students of American national government are aware of the importance of the Democratic and Republican Party caucuses in both houses of the U.S. Congress. In state legislatures, one finds strong party caucus organizations whenever a strong two-party system prevails and party competition is keen. In the 1980s and 1990s, the growing importance of party caucuses in each chamber of the Texas Legislature was one indication that Texas was becoming a two-party state. The House Democratic Caucus was organized in 1981 with 37 members. In recent years, all Democratic legislators have been reported as belonging to their party's House and Senate caucuses. Under the leadership of Tom Craddick, the House Republican Caucus was organized at the beginning of the 71st regular session in 1989. Party caucuses take policy positions on important issues and promote unity among their members.

Racial/Ethnic Caucuses

In the U.S. Congress and in many state legislatures, racial and ethnic minorities organize and form voting blocs to maximize their power. Because African Americans and Latinos constitute significant minorities in the Texas Legisla-

ture, it is not surprising that they have formed caucuses for this purpose. Composed of African American senators and representatives, the Legislative Black Caucus concentrates on issues affecting African American Texans, such as the hate crimes bill that was enacted in 2001. In the 1980s, the House-based Mexican American Legislative Caucus (including some Anglo and African American members) successfully pushed legislation placing farm workers under state workers' compensation, unemployment compensation, and minimum wage protection. In the 1990s, pressure from this caucus produced larger appropriations for state universities in South Texas and the Mexican border area from El Paso to Brownsville and north to Corpus Christi and San Antonio. More recently, the caucus has been instrumental in obtaining authorization and funding for a school of pharmacy at Texas A&M University—Kingsville and for the Regional Academic Health Center to serve the Lower Rio Grande Valley. The Senate Hispanic Caucus includes a few Anglo and African American senators who have large numbers of Latino voters in their districts.

Ideological Caucuses

Two House-based ideological caucuses have emerged. A conservative organization attracts Republicans and conservative Democrats, and a liberal group appeals to many Democrats (including several who are also members of the Legislative Black Caucus and the Mexican American Legislative Caucus). As might be expected, the conservative and liberal caucuses reflect opposing views on taxing and spending as well as on public interest issues such as environmental protection, but a few representatives belong to both caucuses.

Organized in 1985, the Texas Conservative Coalition is composed of both Republicans and conservative Democrats. This organization owes its creation to an increased number of Republican legislators elected in the early 1980s and to dissatisfaction with education reforms and tax increases enacted during a special session in 1984. Membership in the Conservative Coalition reached 69 in 1993 and climbed to 93 in 1997, but by 2003 it had fallen to 79 (72 Republicans and 7 Democrats). Sixty-six were representatives and 13 were senators. The Conservative Coalition Research Institute has a staff that does public policy research and works through the media to sell its ideas to the public.

Established in November 1993 with 42 charter members, the Legislative Study Group represents the liberal Democrats' response to the Texas Conservative Coalition. The Legislative Study Group has called for ethics in government, campaign finance reform, consumer and environmental protection, long-term solutions to problems involving public safety, and changes in Texas's systems of public education, health and human services, and criminal justice. Membership during the 78th regular session in 2003 was 45, all Democrats (43 representatives and 2 senators).

Procedure

Enacting a law is not the only way to get things done in Austin, but passing bills and adopting resolutions are the principal means whereby members of the Texas Legislature participate in making public policy according to detailed rules of procedure.

Rules

To guide legislators in their work, each chamber adopts its own set of rules at the beginning of every regular session, usually with only a few changes in the rules of the preceding session. Whether a bill is passed or defeated depends heavily on skillful use of House and Senate rules by sponsors and opponents. H.R. 5 and S.R. 16 provided rules for the 78th regular session in 2003.

Questions concerning interpretation of rules are decided by the lieutenant governor and the speaker, who wield the gavel of authority in their respective chambers. Because procedural questions may be complex and decisions must be made quickly, each chamber employs a **parliamentarian** to assist its presiding officer. Seated on the dais immediately to the left of the lieutenant governor or speaker, this Senate or House expert on rules is ever ready to provide answers to procedural questions.

As an example of the use of House rules, on 25 May 1997, Representative Arlene Wohlgemuth (R-Burleson) raised a point of order that precipitated the "Memorial Day Massacre." This action killed 52 bills (although some were salvaged later as amendments to other bills). Wohlgemuth's point of order was that the Calendars Committee chair had violated a rule by failing to inform the House concerning the committee's meeting place before the 52 bills were set for floor action on 26 May, just a week before the end of the session. Speaker Pete Laney upheld Wohlgemuth's point of order.[17]

A Bill Becomes a Law

The Texas Constitution calls for regular sessions to be divided into three periods for distinct purposes. The first 30 days are reserved for the introduction of bills and resolutions, action on emergency appropriations, and the confirmation or rejection of recess appointments—appointments made by the governor between sessions. The second 30 days are meant to be devoted to consideration of bills and resolutions by committees. The remainder of the session, which amounts to 80 days because regular sessions always run the full 140 days allowed, is devoted to floor debate and voting on bills and resolutions. Throughout a session, action may be taken at any time on emergency matters submitted by the governor. Early in the regular session of the 78th Legislature, for example, Governor Perry declared homeowner insurance rates and medical malpractice reform to be emergency matters needing prompt legislative action.

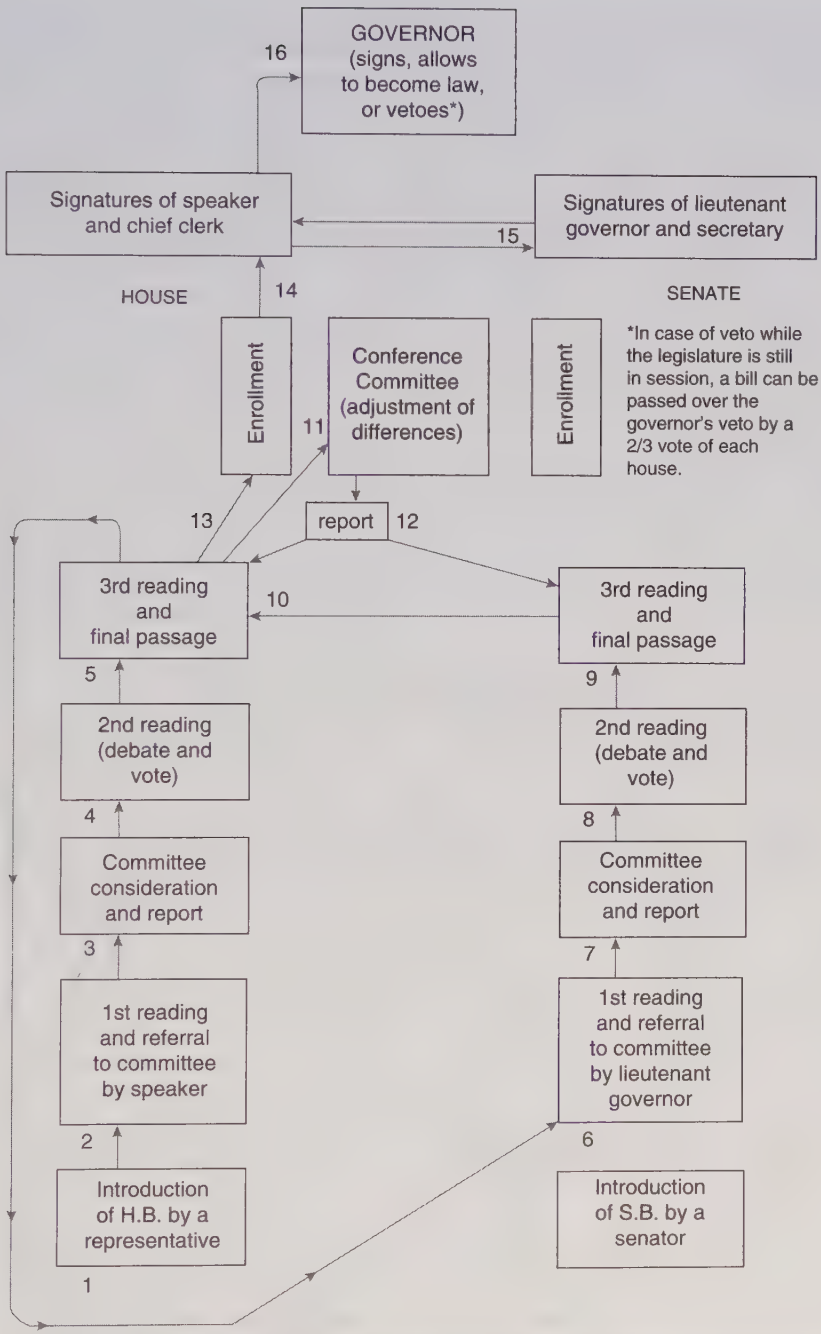
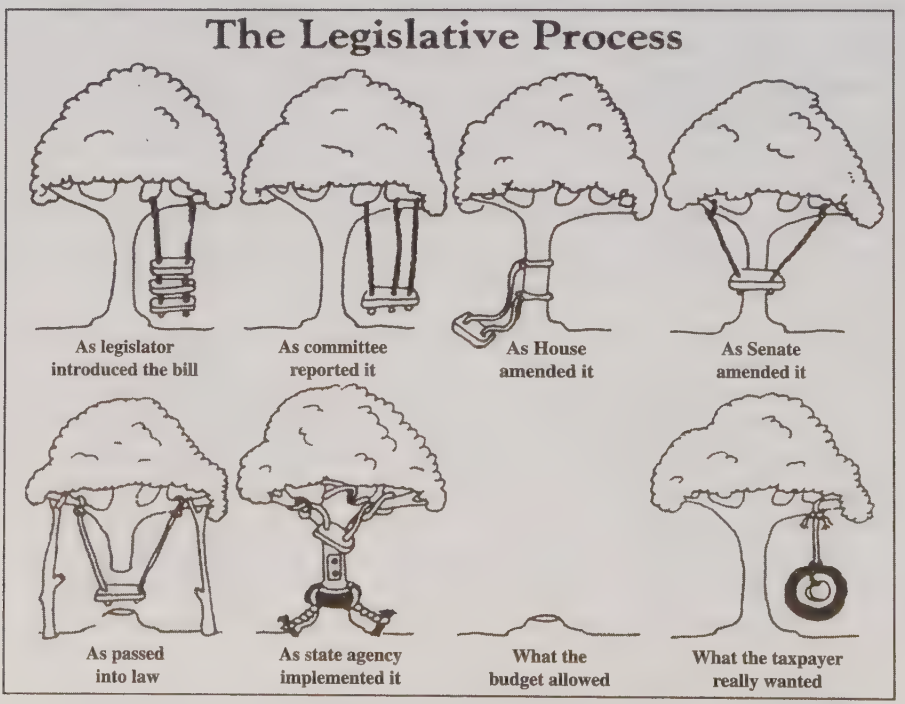


Figure 6.5 Route Followed by a House Bill from Texas Legislature to Governor Prepared with the assistance of Dr. Beryl E. Pettus.

Because the Texas Constitution allows each chamber to determine by a four-fifths majority vote its own order of business, the House has customarily permitted unlimited consideration of bills during the first 60 days. The Senate, however, suspends the constitutional rule on a bill-by-bill basis during the 60-day period. The Texas Constitution specifies that all revenue bills must originate in the House; other kinds of legislation may originate in either chamber.

During a regular session and for a month thereafter, information concerning bills and resolutions may be obtained by calling the toll-free number (877-824-7038) of the Legislative Reference Library of Texas. At other times (and at all times within the Austin area) the library's number is 512-463-1252. Its web site (**www.lrl.state.tx.us**) is a valuable source for statistics on the legislature. For each bill and resolution, Texas Legislature Online (**www.capitol.state.tx.us**) provides bill and resolution history, text, analysis, dates of legislative actions, and other information that is useful for tracking legislative work. Live and archived webcasts of legislative sessions and some committee hearings are also available on-line at sites for the House (**www.house.state.tx.us**) and the Senate (**www.senate.state.tx.us**).

Although the full process of turning a bill into a law is complex, certain basic steps are clearly outlined. The following paragraphs trace these steps



Courtesy *Texas Town & City,* June 2001, LU 16, Texas Municipal League.

from introduction to action by the governor. For our purposes, we will describe the path of a bill that originates in the House.[18] (The step numbers in Figure 6.5 will help you visualize the bill's progress.)

1. Introduction in the House Any House member may introduce a bill by filing 13 copies (15 copies of every bill related to conservation and reclamation districts) with the chief clerk. This staff person supervises legislative administration in the House. Prefiling of bills by members and members-elect is allowed as early as the first Monday following the November general election (3 November in 2004) before a regular session begins in January, or 30 days before the start of a special session.

It is common practice for an identical bill, known as a **companion bill**, to be introduced in the Senate at the same time. This allows simultaneous committee action in the two chambers. A senator's sponsorship of a House bill is necessary if it is to be given serious consideration in the Senate. Likewise, a representative's sponsorship of a Senate bill is needed in the House.

2. First reading (House) and referral to committee After receiving a bill, the chief clerk assigns it a number in order of submission and turns the bill over to the reading clerk for the first reading. The reading clerk reads aloud the caption (a summary of contents) and announces the committee to which the bill has been assigned by the speaker.

3. House committee consideration and report Before any committee action, the committee staff must distribute to committee members a bill analysis that summarizes important provisions of the bill.[19] The committee chair decides whether the bill needs a fiscal note (provided by the Legislative Budget Office) projecting the costs of implementing the proposed legislation for five years. It is also a responsibility of the committee chair to decide whether the Legislative Budget Office should prepare an impact statement for a bill that would change punishment for a felony offense, change the public school finance system, create certain water districts, affect or create a state fee or tax, or affect a retirement system for public employees.

As a courtesy to sponsoring representatives, most bills receive a committee hearing at which lobbyists and other interested persons have an opportunity to express their views. By a vote of two-thirds of committee members present, subpoenas may be issued to summon witnesses or require the submission of information. State employees may testify on proposed legislation if requested by a legislator. Proceedings are electronically recorded. Some hearings are tedious, time-consuming "dog-and-pony shows" involving many witnesses whose testimony may be of little value.

At the discretion of the committee chair, a bill may be sent to a subcommittee for a hearing, followed by submission of a written subcommittee report to the committee. If a majority of a committee's members decides that a bill should be passed, usually with proposed amendments, a favorable report is referred to the chief clerk.

Determining the order in which House bills are cleared for floor action is entrusted to two committees that conduct sessions that are open to the public, the press, and all representatives. These committees are the Local and Consent Calendar Committee and the Calendars Committee.

The Local and Consent Calendar Committee assigns three types of legislative proposals to the Local, Consent, and Resolutions Calendar:

- Bills affecting a limited number of localities, districts, counties, or municipalities
- Consent bills that are uncontested and not likely to face opposition
- Noncontroversial resolutions other than congratulatory and memorial resolutions.

The Calendars Committee is responsible for placing other House bills on three daily calendars:

- The Emergency Calendar—for bills needing immediate action and all taxing and spending bills
- The Major State Calendar—for nonemergency bills changing policy in a major field of government activity and having a major statewide impact
- The General State Calendar—for nonemergency bills having statewide application, but limited legal effect and policy impact

Within 30 days after receiving a bill, a calendars committee should decide by record vote whether to place the bill on a calendar for floor consideration. After the expiration of that period, any representative may introduce on the House floor a motion to place that bill on an appropriate calendar. When seconded by five representatives and adopted by a simple majority vote, the House may schedule the bill for floor action without approval of a calendars committee, but this procedure is seldom attempted.

Except in the case of a general appropriations measure, a printed copy of a bill must be placed in the newspaper mailbox of each House member 36 hours before it is considered on the floor during a regular session and 24 hours before consideration in a special session. For the general appropriations bill, according to House rules, delivery must be made to "the newspaper mailbox of each member at least 168 hours during a regular session and at least 72 hours during a special session, before such a bill can be considered . . . on a second reading."

4. Second reading (House) Usually the second reading is limited to caption only. The author of a bill, or the committee member reporting on behalf of the committee, is given the privilege of beginning and ending floor debate with a speech of not more than 20 minutes. Other speakers are limited to not more than 10 minutes each, unless extra time is granted. A computer on the desk of each representative provides easy access to the text of amendments proposed during floor debate. After discussion ends and any amendments are added, a

vote is taken on "passage to engrossment" (preparation of an officially inscribed copy). A quorum (the minimum number required to do business) is constituted when at least two-thirds of the House members (100 representatives) are present.

A record vote usually involves using an electronic system. Votes are recorded and tallied as each representative presses the button on a desktop voting machine. This action turns on a light (green, yes; red, no; white, present but not voting) beside the representative's name on the two huge tote boards mounted on the wall behind (and to the right and left of) the speaker's podium. House and Senate journals list the record votes of members of the respective chambers.

If a "division vote" is taken, there is no official record of how each representative voted after the tote boards are cleared. Division votes have become common in recent years. This procedure makes it difficult for citizens to know how their representatives voted on many important issues.

House rules prohibit **ghost voting** (that is, pressing the voting button for an absent representative). In 1991, however, votes by one representative were recorded hours after his death from an overdose of crack cocaine. If a member calls for "strict enforcement" of House rules, the voting clerk locks the voting machine of each member who is absent.

Approval of a bill on second reading requires a simple majority vote. Such a House vote marks an important step in the enactment of any proposed bill. A motion may be made to suspend the rules by a four-fifths majority vote of members present and to give the bill an immediate third reading. Thus, an exception can be made to the constitutional rule that all bills must be read on three separate days, although this is seldom done in the House. Occasionally (especially at the end of a session) some representatives engage in lengthy debate on a bill they do not oppose. Such action is intended to prevent the House from taking up another bill that they do oppose, but which would probably be approved if brought up for a vote. This delaying action is called **chubbing**.

To limit legislative logjams and discourage uninformed voting in the final days of a regular session, House rules contain prohibitions against second and third readings for the following:

- Nonlocal House bills during the last 17 days
- Local House bills during the last 10 days
- Senate bills during the last 5 days

Other detailed restrictions apply to House actions on the 126th to 139th days of a regular session. On the 140th, or final, day, House voting is limited to correcting bills that have passed. The Senate has similar end-of-session restrictions on considering legislation.

5. Third reading (House) On the third reading, a simple majority vote of members present is required to pass the bill. Amendments may still be added at this stage, but such action requires a two-thirds majority vote. Following

the addition of an amendment, a new copy is made, checked over by the chief clerk, and stamped "Engrossed."

6. First reading (Senate) After a bill passes on the third reading in the House, the chief clerk adds a statement certifying passage and transmits the bill to the Senate (where the original House number is retained). In the Senate, the House bill's caption is read aloud by the secretary of the Senate, who also announces the committee to which the bill has been assigned by the lieutenant governor. Unless a sponsor certifies that the bill has no effect on the Texas Public Information Act, the director of the Legislative Budget Board must compile an impact statement that indicates whether the proposed legislation would prevent access to a public record and thus violate the state's open records law.

7. Senate committee consideration and report Senate procedure differs somewhat from House procedure. A senator may tag any bill by filing a request with either the Senate secretary or the committee chair to notify the tagging senator 48 hours before a hearing will be held on the bill. A tag usually kills the bill if done during the last days of a session.

If a majority of the committee members wants a bill to pass, it is given a favorable report. Bills are listed on the Senate's Regular Order of Business in the order in which the secretary of the Senate receives them. Unlike the House, the Senate does not have calendar committees to control the flow of bills from standing committees to the Senate floor. At the beginning of each session, however, the Senate Administration Committee "parks" a blocking bill (called a stopper)—on which floor action is not intended—at the head of the line. Bills arriving later are considered to be "out of order." A senator who desires to suspend the regular order for a bill must give notice of this intent by placing the bill on the Intent Calendar. Then a vote of two-thirds of Senators present and voting is required to bring the bill to the Senate floor for debate. This two-thirds rule enhances the power of a party or a bipartisan group that can control one-third of the votes, which would be 11 votes if all 31 senators were present and voting. In 2003, the "stopper" for the 78th regular session was S.B. 220, authorizing a county park beautification program.

8. Second reading (Senate) As with second readings in the House, the Senate at this stage debates the bill, considers proposed amendments, and routinely puts the measure to a voice vote. A computer on the desk of each senator displays the texts of proposed amendments. Votes are registered as the roll is called by the secretary of the Senate, who is employed to supervise legislative administration in that chamber. Unless a senator holds up two fingers to indicate an intention to vote no, the presiding officer usually announces that the chamber unanimously approves the bill after only a few names are called. A computer-controlled board at the front of the chamber shows how each senator has voted. When a vote is taken, a quorum of 21 senators must be present. Only a simple majority is needed to pass a bill.

Custom permits a senator to speak as long as physical endurance permits, which on one occasion in 1977 amounted to 43 hours. Such **filibustering** is most effective when undertaken during the final hours of a session.

9. Third reading (Senate) If passed on the second reading, a bill can have its third reading immediately, assuming the rules have been suspended (as is routinely done in the Senate) by the required four-fifths majority vote of members present. Amending a bill on the third reading requires a two-thirds majority vote of members present.

10. Return to the House After passage by the Senate, a House bill is returned to the chief clerk of the House, who has the responsibility to supervise preparation of a perfect copy of the bill and deliver it to the speaker. When an amendment has been added in the Senate (as usually happens), the change must be voted on in the House. If the House is not prepared to accept the amended bill, the ordinary procedure is to request a conference. Otherwise, the bill will die unless one of the chambers reverses its position.

11. Conference committee When the two houses agree to send the bill to conference, each presiding officer appoints five members to serve on the **conference committee**. Attempts will be made to adjust differences and produce a compromise version acceptable to both chambers. At least three Senate members and three House members must agree before the committee can recommend a course of action in the two houses. The author of the House bill serves as conference committee chair.

12. Conference committee report The conference committee's recommended settlement of questions at issue must be fully accepted or rejected by each chamber. Most conference committee reports are accepted. Both houses, however, may agree to return the report to the committee, or, on request of the House, the Senate may accept a proposal for a new conference.

13. Enrollment After a conference report has been accepted by both houses, the chief clerk of the House prepares a perfect copy of the bill and stamps it "Enrolled."

14. Signatures of the chief clerk and speaker When the enrolled conference committee report is received in the House, the bill is read by number only. Subsequently, it is signed by the chief clerk, who certifies the vote by which it passed. Then the bill is signed by the speaker.

15. Signatures of the secretary of the Senate and the lieutenant governor Next, the chief clerk of the House takes the bill to the Senate, where it is read by number only. With certification of the vote by which it passed, the bill is signed by the secretary of the Senate and by the lieutenant governor.

16. Action by the governor While the legislature remains in session, the governor has three options: sign the bill; allow it to remain unsigned for 10 days, not including Sundays, after which time it becomes law without the chief executive's signature; or, within the 10-day period, veto the measure by returning it to the House unsigned, with a message giving a reason for the veto. The

Texas Constitution requires a vote of "two-thirds of the membership present" in the first house that considers a vetoed bill (in this case, the House of Representatives) and a vote of "two-thirds of the members" in the second house (in this case, the Senate) to override the governor's veto.[20]

After a session ends, the governor has 20 days, counting Sundays, in which to veto pending legislation and file the rejected bills with the secretary of state. A bill not vetoed by the governor automatically becomes law at the end of the 20-day period. The governor's postadjournment veto is of special importance because it cannot be overridden. However, relatively few bills are vetoed. (See the chapter "The Executive" for information on Governor Perry's vetoes after the 77th and 78th Legislatures' regular sessions in 2001 and 2003.)

Ordinarily, an act of the legislature does not take effect as a law until 90 days after adjournment, or even later if specified in the bill. Exceptions to this rule include a general appropriation act (which takes effect when approved) and a measure taking effect immediately or less than 90 days after adjournment. The latter is no longer required to contain an emergency clause, but it must pass each house by a two-thirds majority vote of the total membership (21 votes in the Senate and 100 votes in the House of Representatives).

Influences Within the Legislative Environment

In theory, elected legislators are influenced primarily, if not exclusively, by their constituents. In practice, however, many legislators' actions bear little relationship to the needs or interests of the "folks back home." To be sure, Texas senators and representatives are not completely indifferent to voters, but many of them fall far short of being genuinely representative. One problem is that large numbers of citizens are uninterested in most governmental affairs and have no opinions about how the legislature should act in making public policy. Others may have opinions but are inarticulate or unable to communicate with their legislators. Therefore, lawmakers are likely to yield not only to the influence of the presiding officers in the House and Senate, but also to pressure from the governor and other powerful political actors (especially lobbyists) seeking to win their voluntary support or force their cooperation.

The Governor

We have described the roles of legislative leaders and the governor's veto power. It is also necessary to point out that the ever-present threat of executive veto plays an equally important part in legislative behavior. Even though a bill is popular with many senators and representatives, it may not pass. Knowledge that the governor opposes the measure is often sufficient to discourage its introduction or to cause it to be buried in a committee, tabled (postponed without commitment to reconsider), or defeated on the floor of the House or Senate.

Each governor campaigns for office on a platform of promises and then feels compelled to promote certain policies after being elected. Thus, legislators must be influenced to ensure the success of the governor's plans for taxing, spending, building, and educating, among other things. And if there is any doubt as to what the governor wants, gubernatorial policies will be outlined in messages from time to time. Popular support for the chief executive's ideas will make opposition difficult, even though the people in a legislator's district may be adversely affected.[21]

Judges, the Attorney General, and the Comptroller of Public Accounts

An act that is politically expedient and even popular with constituents may conflict with provisions of the Texas Constitution or the U.S. Constitution. Thus, in their lawmaking, all legislators are influenced by what state and federal judges have done or may do about possible legislative action.

Usually senators and representatives wish neither to spend time nor to invest political capital in legislative efforts that will be struck down by judicial decisions or opinions of the attorney general. Therefore, while a bill is being considered, the committee chair may turn to the attorney general for an opinion concerning its constitutionality.

By estimating how much money will be collected under current and projected revenue laws, the state comptroller exercises great influence because the legislature must keep state spending within the limits of anticipated revenue. For example, after an appropriation bill has passed the House and Senate, it is sent to the comptroller. If the comptroller determines that sufficient revenue will be unavailable, the bill will not receive the comptroller's certification and cannot be enacted unless both houses approve it by a four-fifths majority vote.

Lobbyists

Lobbying as an interest group tactic is discussed in the chapter "The Politics of Interest Groups." Opinions vary concerning the influence of lobbyists on legislative behavior and public policy. In many minds, lobbying carries an image of corruption. Others see lobbyists as performing a useful role by supplying information and serving as links with organized groups of constituents. But it is a nagging fact that special-interest groups spend large amounts of money to induce legislative action (usually to kill a bill) that otherwise would not be taken on a legislator's own initiative or in response to requests by constituents. In fact, many bills are written by lobbyists and "carried" by cooperative legislators.[22]

Since 2003, however, a legislator and a lobbyist-family member must disclose their names and any bills being lobbied before the legislator can introduce, sponsor, or veto on such a bill. Campaign contributions to lawmakers are prohibited during a regular session and for 20 days thereafter, but lobbying never ceases.

In 2001, while the 77th Legislature was considering a bill by Senator John Corona (R-Dallas) authorizing the state to provide as much as $5 million per year for disadvantaged students wanting to attend Texas's 82 private trade schools, lobbyists for Career Colleges and Schools of Texas presented each legislator with two $1,000 scholarship certificates to be awarded as desired. Although Senator Steve Ogden (R-Bryan) argued that these scholarships were an illegal inducement to support Corona's bill, the Senate approved it.[23]

Another lobbying tactic that caught the attention of some Texans in 2001 involved 1-800 Contact, a Utah retailer of contact lenses. The retailer sent e-mails to Texas customers, offering jet travel, chauffeur service, and lunch with the lens company's CEO if they would go to Austin and attend a Senate committee hearing on a bill sponsored by Senator Mike Moncrief (D–Fort Worth). The bill was designed to remove barriers to implementation of a 1997 law recognizing the right of consumers to obtain their contact lens prescriptions from optometrists. Because of negative publicity produced by this lobbying effort, Moncrief pulled his bill and the hearing was cancelled.[24]

Lobbyists are required to register with the Ethics Commission, and lobbying reports mandated by state law are made to that agency. Both lobbyists and political action committees (PACs) contribute directly to the campaign funds that cover legislators' election expenses and are used to pay for a wide range of political and officeholder activities.[25] After the November 2002 general election, for example, the president of the Texas Association of Business (TAB) boasted that his trade association "blew the doors off " that election by "educating" voters on candidates with 4 million mailings and by spending $2 million on just 22 House races and 2 Senate races. Overall, TAB reported victories for 18 of its 22 endorsed Senate candidates and 100 of its 104 endorsed House candidates. Angered by TAB involvement, some defeated candidates sued the trade organization, and Travis County district attorney Ronnie Earle launched an investigation to determine if state laws had been violated.[26]

In view of lobby influence, some observers insist that the so-called Third House, composed of well-financed lobbyists, plays a more important role in initiating, strengthening, passing, weakening, or defeating critical bills and resolutions than do the popularly elected senators and representatives who sit in the two houses established by the Texas Constitution.[27] For example, journalists Molly Ivins and Lou Dubose sum up the relationship between lobbyists and members of the Texas "Lege":

> You don't need a Ph.D. from the LBJ School of Public Policy to understand how the Texas Legislature works. Just walk up Congress Avenue to the capitol, where 150 representatives, 31 senators, and the lieutenant governor—each for an annual salary of $7,200—meet for 140 days every two years. Look up toward the second floor. On your right is the Senate and the suite of the lieutenant governor. On your left is the House and the suite of the speaker. Straight ahead is the lobby, where in 1997 1,662 reg-

istered lobbyists representing 2,034 clients earned $210 million. The lobby is the center of gravity in the Texas Lege.[28]

Research Organizations

Reliable information is essential to policymakers. Most Texas legislators depend heavily on information provided by their own staffs, administrative agencies, and lobbyists. In addition, legislators obtain information from three official research bodies:

- The Texas Legislative Council, **www.tlc.state.tx.us**
- The House Research Organization, **www.capitol.state.tx.us/hrofr/hrofr.htm**
- The Senate Research Center, **www.senate.state.tx.us/src/index.htm**

Among Texas's more important independent providers of public policy research and analysis are the following:

- The Center for Public Policy Priorities, **www.cppp.org**
- The Texas Public Policy Foundation, **www.tppf.org**

The Legislative Council Authorizing special research projects by its staff is one of the functions of the Legislative Council, which is composed of the lieutenant governor (chair), the speaker of the House (vice chair), 5 senators appointed by the lieutenant governor, and 10 representatives appointed by the speaker. The council offers support to legislators, other state officials, and the public in a number of areas. In 2003, the Legislative Council's executive director supervised about 450 employees who provided bill drafting, legislative counseling, legislative research and writing, interim study committee research support, demographic and statistical data compilation and analysis, computer mapping and analysis, publications, and computer services.

The House Research Organization A bipartisan steering committee of 15 representatives—elected by the House membership for staggered four-year terms—governs the House Research Organization (HRO). Since the HRO is an administrative department of the House, the House Administration Committee provides the organization's operating funds. The HRO employed 16 staff personnel during the 78th regular legislative session in 2003, and about half that number worked during the interim between sessions.

The HRO produces reports on a wide variety of policy issues. Of special importance is its *Daily Floor Report* for each day the legislature is in session. This publication analyzes important bills to be considered, providing an objective summary of their content and arguments for and against each bill. After the close of a regular session, the staff publishes a report on the session's important bills and resolutions, including some that were defeated. (For example, see *Major Issues of the 78th Legislature* published after the 2003 session.)

The Senate Research Center Organized under the secretary of the Senate, the Senate Research Center succeeded the Senate Office of Bill Analysis. In addition to analyzing bills before the Senate, the center conducts research in diverse areas. Primarily it responds to requests from Senate members for research and information. However, the lieutenant governor, as president of the Senate, also calls on the center's information and expertise. The center's periodic publications range from the semimonthly *Clearinghouse Update,* which presents brief accounts of issues facing Texas and the nation, to *Highlights of the ... Legislature,* published after each regular session. Other publications produced by the center include *Budget 101: A Guide to the Budget Process in Texas* (January 2003), and *A Senate Guide to Ethics and Disclosure—78th Legislative Session* (January 2003).

The Center for Public Policy Priorities Founded in 1985 as an Austin office of the Benedictine Resource Center, the Center for Public Policy Priorities has been operating as an independent nonprofit organization since 1999. Its principal focus is on the problems of low- and moderate-income families in Texas. Legislators and other public officials have utilized its policy analysis on issues ranging from state taxation and appropriations to public education and health care access. Scott McCown, a former state district judge who dealt with some of Texas's most important public school finance cases, has served as the center's executive director since 2002.

The Texas Public Policy Foundation Established in 1989 in San Antonio, the Texas Public Policy Foundation (TPPF) has been heavily funded and influenced by its founder, Dr. James Leininger. He became wealthy as a manufacturer of hospital beds and has contributed heavily to campaigns of Governor Rick Perry and other conservative politicians. Claiming to be nonpartisan, the foundation announces that it is guided by concern for limited government, free enterprise, private property rights, and individual responsibility. With an aggressive marketing program, TPPF seeks to influence Texas government by policy research and analysis and by recommending its findings to legislators and other policymakers, group leaders, media persons, and the general public. Brooke Leslie Rollins, a Texas A&M and University of Texas Law School graduate who served as Governor Perry's policy director, became president of TPPF in January 2003. (For details concerning controversial funding of the four-day TPPF Legislative Policy Orientation in January and February 2003, see Reading 6.3, "Foundation Erred in Invoking Names.")

The Media

It is difficult to measure (or even estimate) the influence of newspapers, magazines, television, and radio on legislative behavior. Legislators are aware that some of their activities will be publicized by newspapers (especially Texas's big-city press), radio and television broadcasts, and magazines such as *Texas*

Monthly and the *Texas Observer,* along with newsletters and other publications produced for subscribers or members of special-interest groups. Thus a legislator may be induced to work for or against a bill to avoid negative publicity or to earn favorable publicity. On some policy issues, lawmakers (as well as voters) may be impressed by reasoned opinions expressed in editorials, persuasive analyses from political columnists and commentators, reporters' news stories, and editorial cartoons such as those printed in *Practicing Texas Politics.*

Progress Toward Legislative Reform

In its much-publicized comparative study of state legislatures in 1971, the Citizens Conference on State Legislatures ranked the Texas Legislature 38th in the country in terms of legislative capabilities.[29] Later, in a report prepared by the University of Houston Institute of Urban Studies for the Texas Constitutional Convention of 1974, the Citizens Conference contributed the following summary assessment (largely valid three decades later) and recommendations:

> Burdened by restrictions from another century, the [Texas] Legislature has been unable fully to rise to the challenges of the present age. Instead of a strong legislature performing its intended tasks of representation, problem resolution, and oversight of state administration, the present Legislature is a weakened body constrained by limited biennial sessions, by its inability to review vetoed bills after adjournment or to call itself into special sessions. These limitations together with constitutionally prescribed salaries, a Senate presided over by an executive branch official, and a multitude of constitutional legislation that restricts the Legislature's power to act effectively should be among the targets for revisions to articles.[30]

Proposition 1 of the proposed constitutional revision package of 1975 was designed to remedy some of the weaknesses listed, but it was overwhelmingly rejected by the state's voters. In 1989, Texas voters rejected a proposed constitutional amendment linking salaries for the speaker, lieutenant governor, and legislators to the governor's salary. Subsequently, the Texas Ethics Commission was authorized to set per diem allowances and recommend salary increases. More recently, significant reforms have been made in rules governing House organization and procedures. There is no indication, however, that Texans are ready to overhaul the basic structure of their legislature or to increase its powers and effectiveness.

Looking Ahead

At the beginning of the 78th regular session of the Texas Legislature in 2003, Texas had a Republican governor, a Republican lieutenant governor, a Republican speaker of the House, Republican majorities in the House and the

Senate, and state courts largely under Republican judges. If Republican leaders are convinced that the time is ripe for legislative reform, they have the power and personnel to do the job. Nevertheless, Texas's political history reveals that significant reform and pressure for ethical conduct in government usually come only after a highly publicized scandal that arouses public indignation. Is such a scandal looming on the Texas political horizon?

The following chapter, "The Executive," presents more information concerning relations between the legislative and executive branches. In particular, it gives attention to the role of the governor and the other executive officials in making and implementing public policy.

Chapter Summary

- The Texas Legislature is composed of 31 senators elected for four-year terms and 150 representatives elected for two-year terms. Biennial regular sessions are limited to 140 days, and special sessions called by the governor are limited to 30 days. New legislative districts are drawn after each federal decennial census.
- Legislators must be U.S. citizens, qualified Texas voters, and residents of their district for one year. Minimum Texas residence is one year for representatives and two years for senators. Minimum age is 21 for representatives and 26 for senators. A typical legislator is a white, Protestant, college-educated, middle-age male lawyer or businessman who has served in one chamber for more than one term. In 2003, Republicans outnumbered Democrats in both the House and the Senate.
- The lieutenant governor presides over the Senate, and the speaker presides over the House. They appoint committee members and name committee chairs and vice chairs for their respective chambers.
- Legislative caucuses are formed by legislators with common interests. There are party caucuses for Democrats and Republicans, racial/ethnic caucuses for African Americans and Mexican Americans, and ideological caucuses for conservatives and liberals.
- Constitutional provisions and rules of the House and Senate control the detailed process whereby a bill is passed in both chambers. The governor may sign a bill, allow it to become law without signing, or veto it. A veto kills a bill unless the veto is overruled by a two-thirds vote in each chamber.
- Although some steps have been taken to modernize the Texas Legislature, it remains largely a product of the nineteenth century and is unduly influenced by lobbyists.

Key Terms

unicameral
bicameral
regular session
special session
redistricting
gerrymandering
single-member district
multimember district
simple resolution
concurrent resolution
joint resolution
bill
senatorial courtesy
impeachment
president of the Senate
speaker of the House
substantive committee
procedural committee
select committee
standing committee
special committee
parliamentarian
companion bill
ghost voting
chubbing
filibustering
conference committee



Discussion Questions

1. Do you think that Texas's legislative redistricting process meets the needs of Texans, or do you believe that it should be changed?
2. Do you believe that the Texas Legislature should include equal numbers of men and women and should include members of different racial/ethnic groups in proportion to their populations?
3. Which state official has the most power to influence legislation, and how is this power used?
4. Which legislative caucus appears to work for legislation that you support or that you would like to see introduced?
5. Which steps in passing a bill are most critical in the legislative process?
6. How should the legislature regulate lobbying activities to ensure that freedoms are preserved but that the public interest is protected?
7. What role do research organizations play in lawmaking?



Internet Resources

Legislative Reference Library: **www.lrl.state.tx.us**
Texas House of Representatives: **www.house.state.tx.us**
Texas Legislature Online: **www.capitol.state.tx.us**
Texas Senate: **www.senate.state.tx.us**

Notes

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14. Quoted by R. A. Dyer, "Lone Dissent Marks Craddick's Swearing In," *Austin American-Statesman,* 15 January 2003.
15. For an account of Craddick's handling of committees and other matters, see Nate Blakeslee, "Meet the New Boss," *Texas Observer,* 31 January 2003, 12–13, 29; and Paul Burka, "Mr. Speaker," *Texas Monthly* (March 2003): 12, 14, 16.
16. See Juan Elizondo, "Power in the Capital Shifts to Caucuses," *Austin American-Statesman,* 8 November 1999.
17. For more details concerning the Memorial Day Massacre, see Representative Arlene Wohlgemuth's letter to supporting constituents and the text of personal privilege speeches made on the House floor by Representatives Dan Kubiak, Kent Grusendorf, and Mark Stiles. These documents are printed in Eugene W. Jones et al., *Practicing Texas Politics,* 10th ed. (Boston: Houghton Mifflin, 1998), 417–423.
18. For a more detailed description of the lawmaking process, see *How a Bill Becomes a Law: 78th Legislature,* Focus Report No. 78-4 (Austin: House Research Organization, Texas House of Representatives, 23 January 2003). Patricia Kilday Hart gives a week-by-week account of the 77th Legislature in "Session Player," *Texas Monthly,* July 2001, 134–136. For a description of a day in the life of Senator Craig Estes (R–Wichita Falls) early in the 78th regular session, see Michelle Kohn, "Mr. Estes Goes to Austin," *Wichita Falls-Record-News,* 16 February 2003.
19. For more information on how committees work, see *House Committee Procedures: 78th Legislature,* Focus Report No. 78-5 (Austin: House Research Organization, Texas House of Representatives, 23 January 2003).

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29. John Burns, *The Sometime Governments: A Critical Study of the American Legislatures* (New York: Bantam, 1971), 49.
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Selected Readings

6.1 Legislative Redistricting and Electoral Results in the Twenty-First Century: A Comparison of Texas and California*

Lyle C. Brown and Jerry Wilkins

To ensure that the numbers of people in a state's legislative districts are approximately equal, all states must use federal census data to guide the drawing of new district lines early in each decade. Although the task is the same for every state, party politics and electoral results differ from state to state. This fact is evident from observation of recent legislative redistricting and electoral results in Texas and California.

Howling winds of political change blew through Texas and California in the 1990s, so it is not surprising that legislative redistricting at the beginning of the twenty-first century produced electoral results that mirrored shifts of political power. Comparing these developments in the Lone Star State and the Golden State reveal important differences: the power of the Republican Party declined in California but rose in Texas, and the number of GOP legislators grew in Texas but decreased in California. Another significant difference involved the handling of redistricting bills in the two states.

The Texas Redistricting Story

In 2000, a majority of 78 Democrats and a minority of 72 Republicans were elected to the Texas House of Representatives. At the same time, a majority of 16 Republicans and a minority of 15 Democrats were elected to the Texas Senate. (See Table 1.) But after convening for the legislature's 77th regular session in January 2001, the legislators failed to perform their redistricting task.

The House did pass H.B.150, a redistricting bill that was expected to result in electing a majority of Republican representatives in 2002. Subsequently, the Senate Redistricting Committee voted 8-0 to give H.B. 150 a favorable report. But the bill died without floor action in the Senate. Some Republicans feared that this House redistricting plan could produce a coalition of Democrats and West Texas Republicans with enough votes to reelect five-term Speaker Pete Laney, a Democrat, to a sixth term in 2003. Although the Senate Redistricting Committee reported favorably on S.B. 499, which provided for 16 solid-GOP senatorial districts and 3 GOP-leaning districts, this plan died without Senate floor debate and never reached the House.

*Lyle C. Brown is professor emeritus of political science at Baylor University. Jerry Wilkins is adjunct professor of public administration and urban studies at San Diego State University. This article was written especially for *Practicing Texas Politics.*

Table 1 Election Data for Texas State Legislators, 2000 and 2002

	Membership	Total Elected	Republicans Elected		Democrats Elected	
			No.	%	No.	%
Texas House 2000	150	150	72	48	78	52
Texas House 2002	150	150	88	58.7	62	41.3
Texas Senate 2000	31	15[a]	7	46.7	8	53.3
Texas Senate 2002	31	31[b]	19	61.3	12	38.7

[a]Four-year terms for 15 Texas senators expired in January 2001, so these seats were filled for two-year terms in the November 2000 general election.
[b]All Texas Senate seats were open for the 2002 election, which followed redistricting in 2001. At the beginning of the 2003 regular session, the Senate cast lots to determine which 16 senators would get four-year terms and which 15 senators would get two-year terms. Thereafter, all will be elected for four-year terms until 2010, when 16 will be elected for two-year terms before the next redistricting in 2011.

Thus the 77th Legislature ended its regular session on 31 May 2001 without sending redistricting bills to the governor for final action. This failure shifted responsibility for redistricting plans to the Legislative Redistricting Board (LRB). As required by the Texas Constitution, the board was composed of five ex officio members: acting Lieutenant Governor Bill Ratliff, who had been elected to that position by fellow senators after Lieutenant Governor Perry became governor following Governor George W. Bush's election as U.S. president; Attorney General John Cornyn; Land Commissioner David Dewhurst; Comptroller of Public Accounts Carole Keeton Rylander; and Speaker Pete Laney, the only Democrat. Cornyn and Rylander were named by members of the LRB as its chair and vice chair, respectively. Although Ratliff sided with Laney on most issues, they were outvoted 3-2 on the LRB's plans for drawing district lines for each chamber.

Cornyn led in producing the House redistricting plan, which was challenged by Representative Jim Solis (D-Harlingen) and the Mexican American Legislative Caucus. Solis complained to the U.S. Department of Justice that the LRB plan would have the effect of diluting minority voting strength in Cameron County to make possible another district centered in Harlingen that would enhance prospects for electing an Anglo Republican rather than himself. Also attacked by the Mexican American Legislative Caucus were changes affecting other districts, including that of Pete Gallego (D-Alpine), and pairing two Mexican American Democrats in San Antonio (Bexar County). Because Texas has a history of low voter turnout and discrimination against some ethnic and racial minorities, preclearance of the redistricting plans by the U.S. Department of Justice or the U.S. District Court for the District of Columbia was required under terms of the federal Voting Rights Act.

The Civil Rights Division of the U.S. Department of Justice objected to the Texas House plan, contending that it would cause minority voters to lose the opportunity to elect

candidates of their choosing in three districts. Subsequently, a three-judge federal district court composed of one Dallas Republican (U.S. Court of Appeals judge Patrick Higginbotham) and two East Texas Democrats (U.S. District Court judges John T. Ward and John Hannah) adopted a plan that was more acceptable to Texas Latinos. Still, the Mexican American Legislative Caucus and the Mexican American Legal Defense and Education Fund took the case to the U.S. Supreme Court but lost the appeal.

The LRB's Senate plan was precleared by the U.S. Department of Justice. Then it was upheld by the three-judge federal court panel. Nevertheless, Judge Hannah issued a concurring opinion in which he complained of objectionable, but not illegal, political gerrymandering in the LRB's redistricting plans for both the Senate and the House.

In 2002, all of the 31 state Senate seats were filled according to the new court-approved districting arrangement. Riding a conservative political wave that swept Texas in that election year, and benefiting from redistricting that favored GOP candidates, Senate Republicans enlarged their majority to 19. At the same time, Democrats became a smaller minority, with only 12 seats. Reelection of Republican governor Perry for a four-year term and election of Republican David Dewhurst (former land commissioner and member of the LRB) as lieutenant governor and president of the Senate were additional blows suffered by Senate Democrats.

Results of the 2002 general election were even more devastating for the House Democrats. They won only 62 seats and were forced into minority status for the first time since the Reconstruction era following the Civil War. Aided by favorable district boundaries and a surge of statewide Republican voting strength, GOP candidates captured 88 House seats. With this Republican majority, and quick footwork by some Democrats who rushed to board his bandwagon, Republican Tom Craddick was elected House speaker at the beginning of the legislature's 78th regular session in January 2003. As for Pete Laney, the former speaker who had hoped to build a coalition of Democrats and West Texas Republicans that would give him the speakership for a sixth time, he became an ordinary member without even a committee chair that would enable him to use his gavel. Laney's only consolation was that he had survived the House redistricting plan, which had savaged his old district, and that he had defeated a hard-charging Republican opponent in his new district.

The California Redistricting Story

On 27 September 2001, Democratic governor Gray Davis signed into law two bills that were designed to achieve the required decennial reapportionment of legislative seats in California. The process of redrawing state legislative district boundaries had been remarkably free of any division or bitterness between Democrats and Republicans. In the California Assembly (equivalent to the Texas House), the bills passed by votes of 65-8 and 58-10. The Senate passed both bills unanimously (40-0). Democratic speaker of the Assembly Bob Hertzberg, Democratic Senate president pro tem John Burton, and Senate Republican minority leader Jim Brulte were the principal architects of this remarkable agreement. In his statement at the bill-signing ceremony, Governor Davis said, "This reapportionment effort was a most cooperative bipartisan endeavor. . . . [T]he maps produced this year are fair and balanced."

This uncharacteristic exercise in legislative statesmanship stood in stark contrast to the imbroglio of ten years earlier, when Republican governor Pete Wilson vetoed the Democratic-sponsored redistricting plans. The legislature was unable to override Governor Wilson's vetoes. As a result of the ensuing deadlock, the State Supreme Court (as provided in the California Constitution) appointed a panel of special masters to redraw district lines. The new Senate and Assembly districts were drawn without partisan consideration and were not designed to give any structural political advantage to either party. Between 1992 and 2000, however, California underwent a big political change. A decided increase in the Latino voting-age population, and the tendency of Latinos to vote Democratic, solidified an already strong base of support for the Democratic Party. This was particularly true in San Diego and Orange Counties, where the most significant growth occurred, and where several Republican legislators were replaced by Democrats. Thus, due in large part to demographic factors, the Democratic Party emerged as the dominant force in state legislative politics and was assured of control of redistricting after the 2000 federal census.

As California's redistricting process began in 2001, one might have expected a repeat of 1981–1982, when a Democratic-controlled legislature and Democratic governor rammed through the most partisan gerrymander in California history. Surprisingly enough, however, Democratic leaders evinced a real interest in cooperating with their Republican counterparts to maintain the status quo. Perhaps even more surprisingly, GOP leaders seemed willing to go along with a plan designed to perpetuate Democratic legislative majorities until the next decade. This interesting example of "hedge politics" by both parties was based on a mutual fear of the unknown and a desire to protect their respective political interests. Democrats feared that any overly partisan redrawing of district lines would trigger Republican legal challenges and a Republican appeal to voters through the initiative process. GOP leaders, on the other hand, were afraid that a resurgent Democratic Party would gain even more seats in the legislature. The resulting agreement, whereby almost all of the Senate and Assembly district boundaries were redrawn to create "safe" seats for incumbents, virtually eliminated partisan competition between Democrats and Republicans.

The California Senate has 40 members, who serve four-year terms. Candidates from odd-numbered districts run in presidential election years; even-numbered districts are up for grabs in off-year elections. Therefore, one-half of the California Senate seats are open for election every two years. A comparison between electoral results in 2000 and 2002 (when the new districting arrangement was in place) shows that the process worked, for the most part. (See Table 2.) Eleven Democrats and 9 Republicans were elected to the Senate in 2000. Two years later, 14 Democrats and 6 Republicans won Senate seats.

Electoral outcomes for Assembly members, who serve two-year terms, tell a similar story. Fifty Democrats and 30 Republicans were elected in 2000. Two years later, 48 Democrats and 32 Republicans were elected. Thus, the results of the 2002 election largely affirmed the stated aspirations of the architects of the 2001 reapportionment compromise: practically all state legislative districts are noncompetitive in partisan terms; the political status quo is institutionalized; and, barring a political earthquake, the Democratic Party will retain majorities in both Senate and Assembly for the foreseeable future. These results,

Table 2 Election Data for California State Legislators, 2000 and 2002

			Republicans Elected		Democrats Elected	
	Membership	Total Elected	No.	%	No.	%
California Assembly 2000	80	80	30	37.5	50	62.5
California Assembly 2002	80	80	32	40	48	60
California Senate 2000	40	20[a]	9	45	11	55
California Senate 2002	40	20[a]	6	30	14	70

[a]Half of the 40 members of the California Senate are elected for four-year terms in even-numbered years.

however, are not uniformly positive for Democrats. The status quo keeps the Democratic majority below 65 percent, at least in the Assembly. Because fiscal bills (such as budgets and tax and other revenue measures) require a two-thirds majority for passage, a few Republican votes will always be necessary in these areas.

Conclusion

For better or for worse, legislative redistricting in Texas and California in 2001 served to complete the GOP's drive for control of the Lone Star State and to strengthen the Democratic Party's grip on the levers of power in the Golden State. For political scientists, it is of special interest that California's redistricting process involved passing redistricting bills without last-ditch party conflict. In Texas, however, partisan strife prevented the state legislature from performing its constitutional duty. As a result, redistricting was performed by the LRB but led to court involvement before the 2002 election.

6.2 Watch Him Pull a Rabbit Out of a Hat*

Christy Hoppe

Christy Hoppe's biographical sketch of African American representative Ron Wilson (D-Houston) offers a snapshot of a veteran leader who has been involved with many controversial issues while serving in the Texas House of Representatives for more than two decades.

Rep. Ron Wilson, the man in the House who has written the rules, is an exception to most of them. The Houston Democrat is leading conservatives as a champion of school vouch-

*Published in the *Dallas Morning News*, 27 January 2003. Christy Hoppe is a staff journalist with the Austin Bureau of the *Dallas Morning News*.



Representative Ron Wilson (Photo courtesy of Representative Wilson)

ers this session. He also outpaced most liberals by filing a bill seeking reparations for blacks, women and others who have been victims of discrimination.

He is the hero of gun rights groups as the author of the concealed weapons law. And yet he has taken aim at some of the same conservatives by filing a bill to turn the Houston Astrodome into a state casino. He is the author of the state lottery law, and he has tweaked development-sensitive Austin by seeking to dislodge the City Council and convert the capital into the District of Travis, à la Washington, D.C. His legislative priorities this session, in addition to school vouchers, include giving 16-year-olds the vote, forcing Austin's defunct Mueller airport back into operation and making it a felony for airport security guards to engage in racial profiling.

What might appear a quixotic grab bag of proposals upon closer inspection has the makings of a 10-year corporate plan. "There are long-term thinkers in the Legislature, and there are people chained to the 2-year election cycle. Ron is a long-term visionary," said Rep. Ray Allen, R–Grand Prairie. "He is a libertarian, Democratic, African-American activist that defies any useful label," he said. "I'm a big admirer."

Always Guessing

Lawmakers who disagree with Mr. Wilson's vision—and some do adamantly—must remain on alert because his bills do not rest idly, and they could find themselves shooting at a moving target. "No one takes anything for granted because no one knows the rules or

process better than he does," said Rep. Dawnna Dukes, D-Austin. "At any particular moment, he can pull a rabbit out of the hat."

He is the House magician who knows the incantations—technically known as points of order—that can make opposition bills disappear. At the same time, he can transform his agenda into an amendment that folds neatly into the pages of an unassuming bill. He derives power by mastering dense books on parliamentary procedure and House rules, which he helped write. "I'm not above using the rules to pass some of these bills," Mr. Wilson said. "I'd do it in a minute. I've done it before."

Always Thinking Ahead

Mr. Wilson, 49, in his 26 years in the Legislature can recall those who scoffed at his notion of a state lottery and a concealed weapons bill, before they became law. There are others who dismissed his school voucher bill when he first filed it eight years ago. This year, he predicts, a pilot program for vouchers will become a reality.

"Some of these bills are 10-year programs. Some will pass earlier than that," he said. He said most ideas, especially in the buttoned-down, status-quo world of state legislatures, take a while to catch on. "People have to get accustomed to it first. It's like a new cousin at a family reunion. It takes a few times meeting them before you warm up to them," Mr. Wilson said. He said he works for these bills not to throw bricks, but to build something for the inner-city families that are his constituents. "I need to change as much as I can to make for a better way of life for the people I represent, especially those on the bottom of the barrel," Mr. Wilson said.

He does not want a state casino because he likes gambling. He said he wants a casino because it is a voluntary tax, a way to raise money so the state can afford the services that help his constituents. "To them, it's not pushing the envelope. To them, it's a solution to a problem that literally could mean life or death," Mr. Wilson said.

He wants 16-year-olds (modified from 14-year-olds last session) to have the vote "because we're demanding more and more of our young people." "We let them drive cars at 16. Now what's more dangerous—driving a car or casting a vote?" he asked. Then he added, "We allow them to be tried as adults at 14." And Texas executes 17-year-olds for capital murder. His message: The state holds teenagers to adult consequences, but wouldn't trust them with adult privileges.

Thought-Provoking

The theme is not lost on law-and-order conservatives such as Mr. Allen. "His purposes might be Machiavellian," Mr. Allen said," but Ron always forces people to think through issues, oftentimes as the precursor to the issue he really wants to debate." Sometimes Mr. Wilson's tactics have pushed his colleagues' hot buttons. In 1995, in protest of a bill filed that would have eliminated affirmative action programs, Mr. Wilson called a press conference and appeared in white sheets, suggesting that a colleague was a Ku Klux Klan sympathizer. In the reparations bill, Mr. Wilson proposes ending preferential treatment for minorities and women in government and educational programs as soon as the state writes a check to settle instances of past discrimination. He said he will not push the bill

because of a potential conflict. Last week, he signed on as an attorney in a lawsuit seeking reparations for the descendents of Texas slaves.

On the Austin airport, Mr. Wilson said he believes the city was short-sighted and irresponsible when it shuttered Mueller, a large general aviation airport, even though the area has a tremendous need for such a facility. The closure also has blighted a low-income area, he said. "It's not about the airplanes. It's about the people," he said. "It's become an eyesore. So you've got this cancer in the middle of East Austin that was sold to them as this revitalization project. If I can convert it back into an airport . . . it could employ a lot of people in that neighborhood and would make their quality of life much better," Mr. Wilson said.

Ms. Dukes, who represents East Austin, said that promises were made to the neighborhood to close the airport and that the city is working on a revitalization plan. She said that while she admires Mr. Wilson, she also doesn't believe he should be trying to dictate to a city how to run its business. "Ron doesn't check with us," she said. Frankly, she said she has to worry about this bill sneaking past in some form, a thought that "always causes heartburn." "He's a man of conviction and he's very focused, and once he has an idea—it doesn't matter how many years—he won't forget it," she said. "I just wish he'd forget Robert Mueller airport."

"Devoted to the Issues"

Rep. Harvey Hilderbran, R-Kerrville, has historically disagreed with Mr. Wilson, at one point getting into a shoving match with him, but he said he has since come to respect his Houston colleague. He pointed out that during Mr. Wilson's two dozen years in the House, the Speaker has changed three times—two Democrats and a Republican. "He's been on all three leadership teams. It says something about his abilities," Mr. Hilderbran said. He said he opposes most of Mr. Wilson's legislative goals, but has learned not to be surprised when they find common ground on some issues—such as concealed handguns. "He's devoted to the issues that he's championed. You've got to give him credit: He's insistent and persistent," Mr. Hilderbran said. "I'm glad I can call him a friend."

6.3 Foundation Erred in Invoking Names*

Laylan Copelin

In mid-December 2002, a month before the beginning of the 78th regular session of the Texas Legislature, the Texas Public Policy Foundation sent a letter to Austin lobbyists soliciting sponsorship funds for the foundation's "Legislative Policy Orientation for 2003" conference. This affair was organized especially for legislators and lobbyists, and it was scheduled for four days early in the session. Claiming endorsement by Republicans Rick Perry, David Dewhurst, and

*Published in the *Austin American-Statesman*, 4 January 2003. Laylan Copelin is a staff reporter with the *Austin American-Statesman*. Copyright © 2003. Reprinted by permission of *Austin American-Statesman* via Copyright Clearance Center.

Tom Craddick, the letter promised "an insider's look at what legislative initiatives will be offered to chart a new direction for the State." When some lobbyists and critics of the conservative foundation complained, the three Republican leaders stated that they had not approved use of their names for this fundraising effort. Subsequently, the foundation's government relations director declared that use of their endorsement had been a mistake. In reporting this much-publicized political incident, journalist Laylan Copelin describes a controversial technique for raising money to influence legislators and other policymakers in Texas.

A San Antonio think tank on Friday said it was wrong to use the names of the state's top elected officials to solicit five and six figure donations from lobbyists to help pay for a legislative conference. Last month, Gov. Rick Perry, Lt. Gov.-elect David Dewhurst and House Speaker-apparent Tom Craddick, all Republicans, made an unusual joint endorsement of the Texas Public Policy Foundation's four-day conference meant to inform lawmakers

Texas Public Policy Foundation's Solicitation

Sponsorship levels offered to lobbyists for the Texas Public Policy Foundation's four-day legislative conference:

$100,000 "Washington"
- Official conference sponsor for each of the four days
- May serve on the greeting committee
- Reserved seating at all panels and meals
- All benefits of lower-tiered sponsors

$50,000 "Jefferson"
- Executive lunch or dinner sponsor with elected officials and dignitaries
- VIP reception with elected officials and dignitaries
- Reserved seating for 10 at meals with key lawmakers
- Free attendance for guests
- All benefits of lower-tiered sponsors

$25,000 "Adams"
- Exclusive reception sponsor with elected officials and dignitaries
- VIP reception
- Free attendance for some guests
- All benefits of lower-tiered sponsors

$10,000 "Madison"
- VIP photo op with elected officials and dignitaries
- Reserved table for 10 at meals
- Display table
- Admission to "Bull and Beer" wrap-up session
- All benefits of lower-tiered sponsors

$5,000 "Monroe"
- VIP receptions with dignitaries
- Special seating for two luncheons and two dinners
- Banner display
- Recognition in conference programs and displays

about a variety of issues and possible solutions. But Friday, the three leaders said they were unaware of a Dec. 16 fund-raising letter that the foundation circulated asking lobbyists to donate $5,000 to $100,000 each to underwrite the $500,000 conference.

Close Ties

The incident underscores the close ties between the Republican leadership and the foundation's founder, James Leininger, a San Antonio doctor who has given millions of dollars to the GOP and its candidates over the past decade. It also highlights the leadership's sensitivity to how those ties, often knotted by personal relationships and campaign money, are perceived.

"People should not read into it that the governor is fund-raising on their behalf," said Kathy Walt, the governor's press secretary. Craddick said he did not endorse or approve the use of his name in the fund-raising letter but said he thought the use of his name "was an honest mistake." Dewhurst also said he was not involved in raising money for the group. All three said they still will participate in the conference scheduled for Jan. 29 and 30 and Feb. 3 and 4 at the Four Seasons Hotel. The legislative session begins Jan. 14.

A "Mistake" or a "New Form of Influence Peddling"?

Critics accused the foundation of trying to sell its access to the Republican leadership, and several lobbyists complained that they felt pressured to give money because of the appearance that the state leaders were involved in the fund-raising. "It was inappropriate for it to appear that the governor, lieutenant governor-elect and speaker-apparent were involved in fund-raising," Michael Quinn Sullivan, the foundation's government relations director, said Friday evening. "We made a mistake."

Fund-raising letters mailed last month noted that the state's leaders are backing the event and list the name of each lobbyist's top client. A handful of lobbyists who were asked about the letters complained about the amount of money being sought and the inclusion of their clients' names. "They obviously are telling me they are keeping an eye on who is supporting them," one lobbyist said. All of those contacted, including lobbyists who have backed Republicans, asked not to be named, citing their client's interests. Another lobbyist found the amount of money being solicited extraordinary for Austin: "It's an incredible amount of money. I just looked at the numbers and laughed."

Craig McDonald, executive director of Texans for Public Justice, a group that tracks money in state politics, accused the foundation of trying to trade on its close ties to the Republican leadership. His group was not asked to contribute. "It's a new form of influence peddling," he said.

Sullivan said there was nothing sinister about the requests, which he said were made without consulting the state's top leaders. He said the solicitations are unprecedented because the conference is unprecedented. "This is bigger than anything that has been done here before," he said of the conference. "It's unusual for Austin, but it's not unusual for what happens in Washington, D.C., and other states," he said about the conference and the solicitation for money.

Dr. James Leininger and the Texas Public Policy Foundation

State law forbids contributions to state officials or to committees "supporting, opposing or assisting state officials" during a legislative session. The foundation is a nonprofit corporation. The foundation has struggled for influence since 1989, first focusing on state money for school vouchers and limits on lawsuit awards against businesses. Its researchers have argued that state and local taxes are too high, spending has grown too fast, and highways, not mass transit, are the answer to gridlock. The foundation's Web site lists its core principles as limited government, free enterprise, private property rights and individual responsibility.

The group's influence, blunted by Democrats in the past, has blossomed since the election of Republican majorities in the legislature and the GOP sweep of all statewide offices. Leininger has a long history with the new state leadership. A doctor who made a fortune manufacturing hospital beds, Leininger has donated millions of dollars over the years to several conservative causes, the national and state Republican Party, and Republican candidates, including Perry and Dewhurst. In the past three years, Leininger has donated at least $1.7 million in state elections. The final total won't be known until after final 2002 campaign finance reports are filed Jan. 15 [2003].



Sargent © *Austin American-Statesman*. Reprinted with permission of UNIVERSAL PRESS SYNDICATE. All rights reserved.

Leininger and the governor also owned a plane together, and Perry once invested in Leininger's company. Dewhurst was a member of the foundation's board before he became an elected official and has raised money for the foundation. In addition to the group's ties with the state's top leaders, Wendy Gramm, the wife of retired U.S. Sen. Phil Gramm, chairs its board.

The Purpose of the Conference

Sullivan promised the conference would present experts from across the political spectrum on issues such as taxation, state spending, border issues, school finance, education, transportation, health care and tort reform. The foundation has not released its list of conference speakers. Sullivan said the state's open meetings law requires the conference to be open to the public because a majority of the Legislature is expected to attend. "Anyone who wants to can come in and watch, but if they want a meal, it's going to cost." He said the size of the audience, however, might have to be limited because of fire code restrictions.

Sullivan said the conference is not a "hobnob event" for sponsors to mix with legislators, but McDonald said the solicitation promises just that. "The letter makes it clear you are paying to rub shoulders with the leadership while they talk about the legislative agenda and to be there is going to cost you a pretty penny," McDonald said.

The four-page solicitation urges legislators, staff and people who work with state government to participate and attend. It also spells out the events and lists perks that sponsors will receive. "The purpose of this conference is to help launch a successful 78th Session of the Texas Legislature," the letter reads. "The conference will examine the most important issues of the year . . . with an insider's look at what legislative initiatives will be offered to chart a new direction for the state."

The foundation's one-page cover letter twice mentions that Perry, Dewhurst and Craddick will be involved in the event. "We are not using them for fund-raising," Sullivan said. "None of our fund-raising is based on the fact we have them participating in the conference."

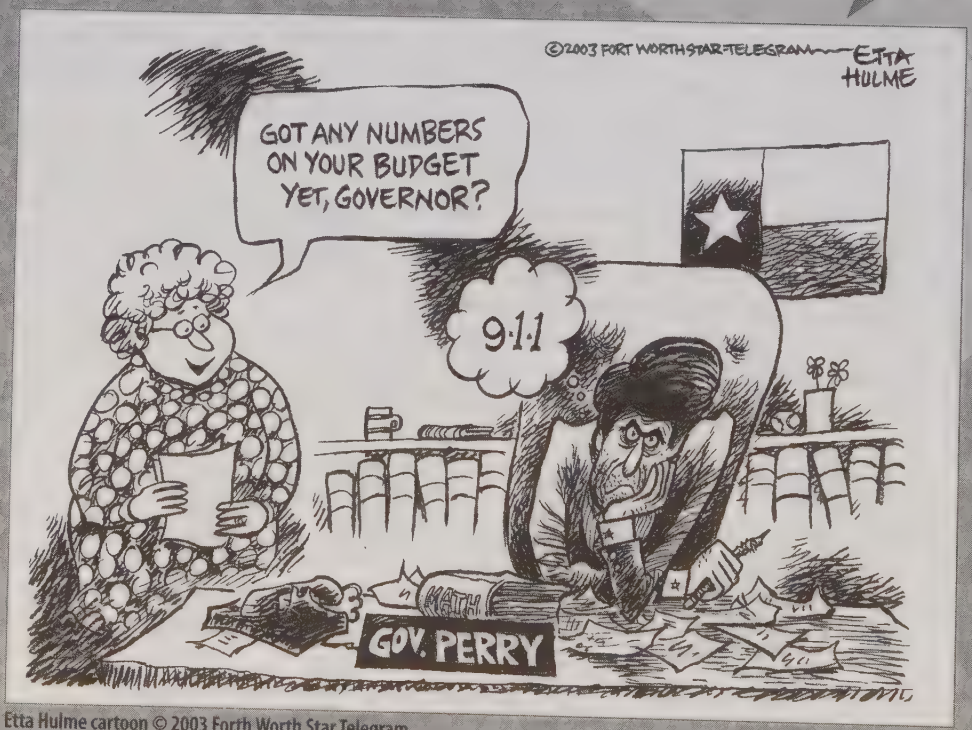
Cost and Controversy

In the letter, the foundation said it would cost $300,000 to pay for the conference. Sullivan said Friday that the budget has grown to $500,000—half of the foundation's normal annual operating budget. The foundation did not detail how it would spend the money, but Sullivan said the national experts are appearing for free or nominal honoraria of $1,000 or so.

Some lobbyists said they feel pressured to support the conference. "I think clearly the fact it is sponsored by the three top leaders in the state makes a person think his presence is expected," said one lobbyist. Sullivan said the foundation is not trying to intimidate people into contributing. "I think the couple of people who have raised those concerns have other agendas or are trying to make it look bad."

Chapter 7

The Executive



Etta Hulme cartoon © 2003 Forth Worth Star Telegram

After terrorists hijacked four airliners on 11 September 2001, they crashed two of the passenger jets into the twin towers of New York City's World Trade Center and a third into the Pentagon near Washington, D.C.; the fourth crashed into a farmer's field in Pennsylvania during an unsuccessful attempt by passengers and crew to regain control of the plane. Combined with a downturn in the nation's economy and many corporate failures, such as the bankruptcy of Enron and several high-tech companies (including "dot-coms" in the Austin area), the adverse economic impact of these events was felt in Texas and throughout the world. Resulting loss of revenue for state government caused budget problems for Governor Rick Perry in 2003 (as depicted by Etta Hulme's cartoon at the beginning of this chapter).

No other Texas officeholder is so widely recognized and gets as much media attention as the governor. Nevertheless, Article IV of the Texas Constitution establishes a multiheaded executive branch within which the governor shares power with other elected executive officials and with appointed members of numerous boards and commissions created by the legislature. (See Figure 7.1.) Unlike the Texas governor, the president of the United States is a strong chief executive who appoints with Senate approval, but removes independently, the department heads who form a cabinet.

Looking Back

Many of Texas's political traditions and institutions stem from post–Civil War experiences. Thus, today's executive structure shows the influence of anti-Reconstruction reactions against Governor E. J. Davis's administration (1870–1874).

A former Union army general and the state's first Republican governor, Davis was armed with strong executive powers authorized by the Constitution of 1869. Numerous abuses of power by state officials, who reported directly to Governor Davis, explain why many Texans still distrust the "strong" executive model of state government. In recent years, however, some Texas historians have painted a more positive picture of Davis. But during his years in office, Davis was viewed as a tyrant by many, if not most, white Texans (especially Democrats).

Written after the end of the Reconstruction era, the Constitution of 1876 provides for a governor who shares power with other elected executive officials: lieutenant governor, comptroller of public accounts, commissioner of the General Land Office, and attorney general. In addition, the legislature has provided for election of a commissioner of agriculture. The secretary of state is the only constitutional executive officer who is appointed by the governor, with approval by the Senate.

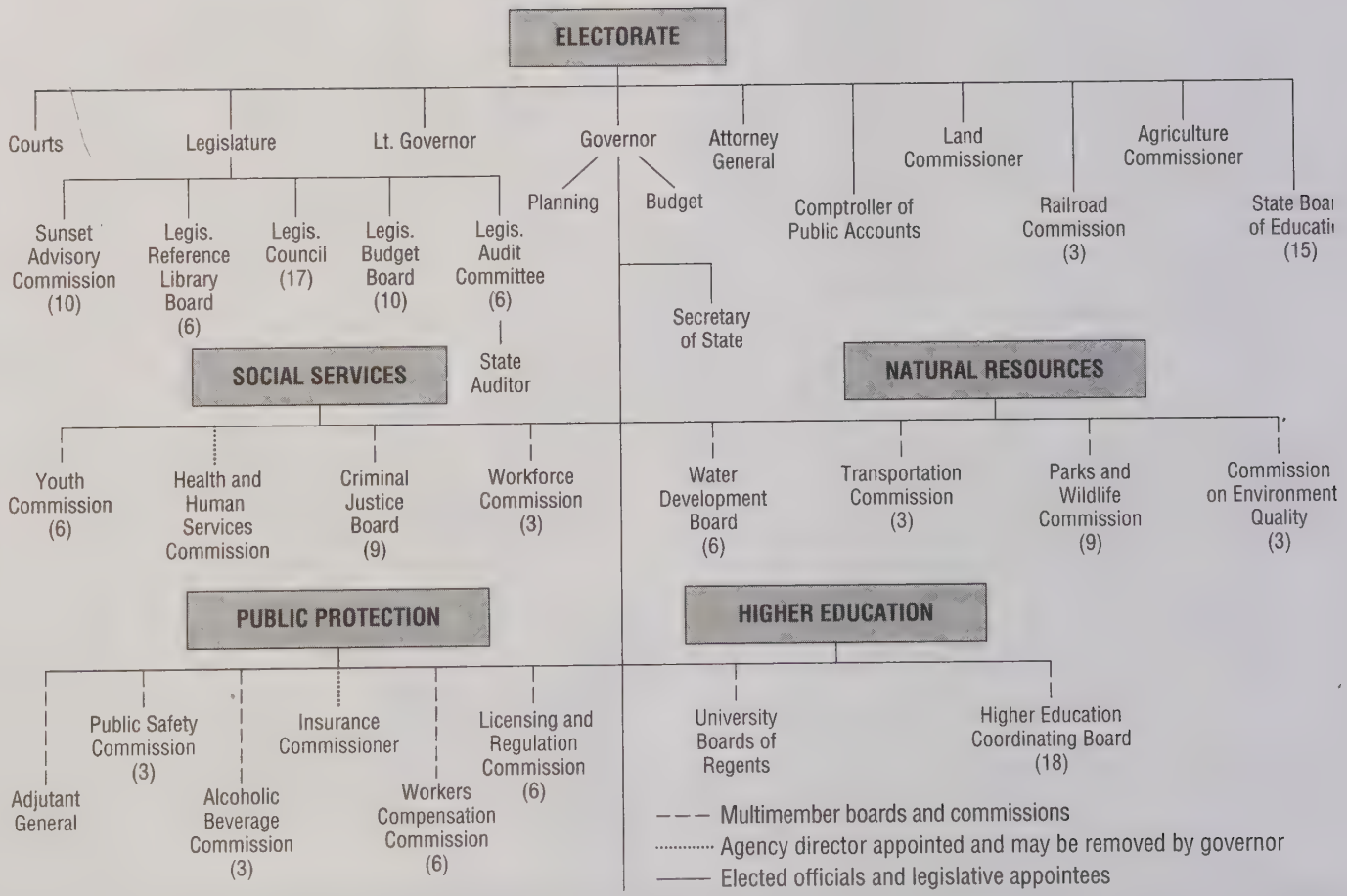


Figure 7.1 The Structure of Texas Government (Important Agencies and Officials)

Overview of the Governorship

Perhaps primus inter pares ("first among equals") is a more appropriate description of the Texas governor than the title "chief executive," but limited executive power does not discourage gubernatorial candidates who wage multimillion-dollar campaigns in their efforts to win this prestigious office.

Gubernatorial Politics

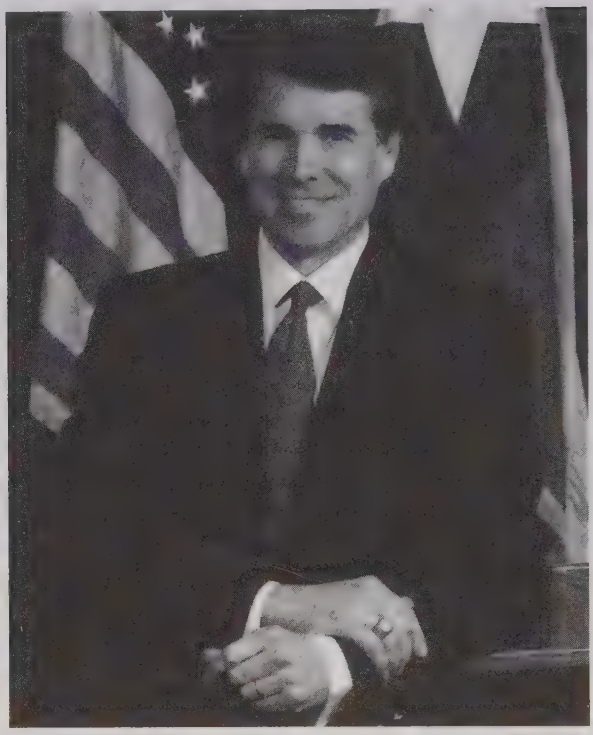
Heavily financed gubernatorial contests between Democratic and Republican party candidates result in powerful interest groups contributing money to both political camps. (See the chapter "The Politics of Elections and Parties" for a discussion of campaign finance.) After millions of dollars in campaign money have been pumped into a race, the victorious gubernatorial candidate is obligated to reward some of his or her heavy donors by appointing them to key policymaking positions. The practice of buying influence permeates American politics, and Texas politics is no exception.

Explaining hefty campaign donations for gubernatorial candidates is simple: corporations, law firms, and other affluent groups want to be on good terms with Texas's chief policy initiator. Tapping into Reagan-Bush's "Team 100," a wealthy business coalition of contributors established by former U.S. presidents Ronald Reagan and George Bush (George W.'s father), neither George W. Bush's gubernatorial nor presidential campaign ever lacked for cash. Minimum entry fee to join "Team 100" was $100,000 per member. Preceding his official entry into presidential politics, George W.'s diverse network of campaign contributors included, among thousands of donors nationwide, actor Chuck Norris and computer software magnate Bill Gates.

Before moving to the Governor's Mansion when Bush won the presidential election of 2000, Rick Perry demonstrated a mastery of campaign finance. In 1998 he raised more than $10 million to defeat Democrat John Sharp by 68,700 votes in a hard-fought contest for lieutenant governor. Key to Perry's 1.8 percent margin of victory was a $1.1 million loan obtained late in the campaign after being guaranteed by James Leininger, a wealthy San Antonio advocate of school vouchers and founder of the conservative Texas Public Policy Foundation.[1]

In 2002, South Texas Democrat Tony Sanchez received more than 1.8 million votes while spending in excess of $67 million of campaign money on an unsuccessful effort to win the governorship. Perry raised less than half that amount in campaign contributions but was reelected with 2.6 million votes. In politics, money talks; but Sanchez's defeat indicates that campaign finance is only one factor in a gubernatorial election.

Because of the state's budget crisis and the looming war with Iraq, perhaps the inauguration of Governor Perry and Lieutenant Governor David Dewhurst on 21 January 2003 should have been limited to speeches by these officials and a simple swearing-in ceremony. Perry and Dewhurst did deliver



Governor Rick Perry (Photo courtesy Office of the Governor)

inaugural addresses that included pledges to balance the budget without new taxes, and Texas Supreme Court chief justice Tom Phillips used Sam Houston's Bible to administer oaths of office. But an inaugural committee composed of friends and supporters of the governor and lieutenant governor continued the Texas tradition of organizing a big inaugural celebration.

Following the speechmaking and oaths of office, a $5 barbecue lunch was served on the Capitol grounds to 12,000 hungry Texans. For this occasion, Eddie Dean's Catering prepared four tons of briskets, a ton of smoked turkey, and a ton of Earl Campbell Smoked Sausage links that would have stretched more than half a mile. Then there was an afternoon parade with 35 entries (including the Fightin' Texas Aggie Band, the Clydesdales, and the Kilgore College Rangerettes). Finally, for 10,000 celebrants who had purchased $65 tickets, the celebration ended with an evening ball in the Austin Convention Center. Sale of barbecue and ball tickets covered less than a third of the inaugural expenses. The balance was contributed by three categories of "underwriters": Gold, $50,000; Silver, $25,000; and Bronze, $10,000. On the evening before the inauguration, these 66 benefactors (mostly lobbyists and

How Do We Compare . . . in Qualifications for the Office of Governor?

Most Populous U.S. States	Minimum Age Required	Length of State Residency Required	U.S. States Bordering Texas	Minimum Age Required	Length of State Residency Required
California	18 years	5 years	Arkansas	30 years	7 years
Florida	30 years	7 years	Louisiana	25 years	5 years
New York	30 years	5 years	New Mexico	30 years	5 years
Texas	**30 years**	**5 years**	Oklahoma	31 years	none

Source: *The Book of the States: 2002* (Lexington, Ky.: Council of State Governments, 2002), 147.

corporate executives) were honored with an appreciation dinner at the Bob Bullock History Museum. And on the following day, they got VIP seating at all inaugural events. State spending of $100,000 was authorized for the inauguration, but Perry and Dewhurst decided to demonstrate their dedication to economy in government by refusing to use this public money.[2]

Although some Texans were opposed to financing inaugural events largely with corporate contributions, others approved the policy that made this big celebration possible at relatively low cost to participants. (For more on these conflicting views, see Reading 7.1, "Firms Help Pay the Tab.") Because public opinion is greatly influenced by television and press coverage of gubernatorial activities, such as the inaugural celebration, well-orchestrated media relations are critical to the success of any governor. Lacking sufficient constitutional powers to function effectively as a "chief executive," a Texas governor must rely heavily on skills in personal relations, competent staff assistance from communication professionals, and talent for gentle persuasion as well as arm twisting. Although arm twisting is usually done without publicity, early in January 2003, Governor Perry made public statements about funding for a new medical school in El Paso and for expanding the Regional Academic Health Center in the Rio Grande Valley. According to an Associated Press report, the governor warned that such spending would depend on support by legislators in those areas for his plan to change medical malpractice and liability laws.[3]

Election

Superimposed on constitutional prerequisites for minimum age (30 years), U.S. citizenship, and Texas residency (for five years immediately preceding the gubernatorial election) are numerous extralegal restraints on who is elected governor. Historically, a conservative-moderate mold for successful gubernatorial candidates seemed unbreakable. William P. Clements (in 1978 and 1986) and George W. Bush (in 1994 and 1998) partially broke tradition by becoming

Table 7.1 Governors of Texas Since 1874

Governor	Term	Distinction
Richard Coke	1874–1876	Present constitution was written.
Richard B. Hubbard	1876–1879	First governor under Constitution of 1876.
Oran M. Roberts	1879–1883	His "pay as you go" plan lowered taxes and reduced the state debt.
John Ireland	1883–1887	Ended the fence-cutting war in West Texas.
Lawrence S. Ross	1887–1891	"Man of the people"—mediocrity in government.
James S. Hogg	1891–1895	First native-born governor of Texas.
Charles A. Culberson	1895–1899	Called a special session of the legislature that made prizefighting a felony offense.
Joseph D. Sayers	1899–1903	Left U.S. Congress for the governorship.
Samuel W. T. Lanham	1903–1907	Last Confederate veteran elected as governor
Thomas M. Campbell	1907–1911	First leftist in the governorship.
Oscar B. Colquitt	1911–1915	Campaigned against Prohibition, advanced public education, and promoted prison and labor reforms.
James E. Ferguson	1915–1917	Only governor to be impeached and convicted.
William P. Hobby	1917–1921	Began an amicable era in Texas's relations with Mexico.
Pat M. Neff	1921–1925	First governor to emphasize high cost of winning the governorship.
Miriam A. Ferguson	1925–1927	First woman elected governor of Texas.
Dan Moody	1927–1931	Laid the groundwork for creation of the Board of Pardons and Paroles.
Ross S. Sterling	1931–1933	Imposed martial law in East Texas oil fields for six months.
Miriam A. Ferguson	1933–1935	First governor to be reelected to a nonconsecutive second term.
James V. Allred	1935–1939	Strong supporter of FDR's New Deal.
W. Lee O'Daniel	1939–1941	Championed populist causes with extensive use of the radio.
Coke R. Stevenson	1941–1947	First governor to break two-term tradition.
Beauford H. Jester	1947–1949	First governor to die in office.
Allan Shivers	1949–1957	Led Texas Democrats for Eisenhower and Republican Party in 1952 and 1956.
Price Daniel	1957–1963	First governor to seek a fourth elective term.
John Connally	1963–1969	Creation of Higher Education Coordinating Board.
Preston Smith	1969–1973	Began Goals for Texas program.
Dolph Briscoe, Jr.	1973–1979	First governor to be elected to a four-year term (1975–1979).
William Clements, Jr.	1979–1983	First Republican governor elected in more than 100 years.
Mark White	1983–1987	Led movement to reform public education.
William Clements Jr.	1987–1991	Reluctantly approved the biggest tax increase in Texas history.
Ann Richards	1991–1995	Appointed record numbers of women, Latinos, and African Americans to high office.

Table 7.1 Governors of Texas Since 1874 (continued)

Governor	Term	Distinction
George W. Bush	1995–2000	First governor elected as U.S. president.
Rick Perry	2000–	Ascended from lieutenant governor after Governor Bush resigned in 2000 to become U.S. president; was elected to a four-year term in 2002.

Note: See "Chief Texas Administrative Officials" in successive editions of the *Texas Almanac* for a listing of Texas chief executives from the first Spanish governor, Domingo Terán de los Rios (1691–1692). Biographical sketches for Texas governors are printed in the *New Handbook of Texas*, 6 vols. (Austin: Texas State Historical Association, 1996).

Texas's first and second Republican governors, respectively, since E. J. Davis. (See Table 7.1 for a listing of Texas governors since 1874.) As conservative businesspeople, Clements and Bush resembled most of their Democratic predecessors in the governor's office. But their Republicanism, and the fact that they had not previously held elective public office, represented a dramatic departure from the past.[4]

Republican Rick Perry entered the Governor's Mansion at the end of 2000 without having won a gubernatorial election. However, unlike Clements and Bush, Perry had a record of government service. First elected to the Texas House of Representatives as a Democrat in 1984, he won two more terms in the House before switching parties. Subsequently, he was elected commissioner of agriculture in 1990 and again in 1994. Thus, Perry was the first Republican to serve in that office since its creation in 1907. Then in 1998 he became the first Texas GOP candidate to win a campaign for lieutenant governor since the Reconstruction era. Prior to becoming a state officeholder, this Texas A&M graduate (class of '72) had served five years as an Air Force pilot before joining his father in the family's farming and ranching operations in Haskell County. During the 1990s, according to public records, Perry became wealthy through land deals in the Austin area.[5]

Points to Ponder

Before election as governor for a four-year term in 2002, Republican Rick Perry:

- Graduated from Texas A&M University, where he was a yell leader
- Served as a pilot in the U.S. Air Force
- Engaged in farming and ranching operations in Haskell County
- Was elected as a Democrat and served for six years in the Texas House of Representatives
- Was elected as a Republican for two terms as commissioner of agriculture
- Was elected lieutenant governor and then succeeded to the office of governor when Governor Bush was elected U.S. president



How Do We Compare . . . in Governor's Compensation and Staff Size?

Most Populous U.S. States	Governor's Annual Salary	Number of People Working in the Governor's Office	U.S. States Bordering Texas	Governor's Annual Salary	Number of People Working in the Governor's Office
California	$175,000	86	Arkansas	$71,738	39
Florida	$120,171	310	Louisiana	$95,000	119
New York	$179,000	203	New Mexico	$90,000	27
Texas	**$115,345**	**198**	Oklahoma	$101,040	34

Source: *The Book of the States: 2002* (Lexington, Ky.: Council of State Governments, 2002), 148.

Compensation

Gubernatorial pay is determined by the Texas Legislature. For fiscal years 2004–2005, beginning on 1 September 2003, the annual salary for the governor remained unchanged at $115,345. Fringe benefits include allowances for staffing and maintaining the Governor's Mansion. This imposing nineteenth-century building is located one block west of the Capitol grounds at 1010 Colorado Street.

The Texas Constitution forbids the governor and other executive officers (except the lieutenant governor) from holding any other civil or corporate office, and the governor may receive neither compensation nor the promise of pay for other employment after taking office. Nevertheless, governors do continue to own property and accumulate wealth while serving. To avoid the appearance of conflict between their personal economic interest and the public interest while in office, both Bush and Perry placed their assets in a blind trust (a legal arrangement whereby holdings are administered by others).

Succession

Should a governor die, resign (as did George W. Bush after he was elected to the U.S. presidency in 2000), or be removed from office, or should a governor-elect refuse to take office or be permanently unable to fill the office, a successor serves for the remainder of the governor's four-year term. The constitutional order of succession is headed by the lieutenant governor. Next in line is the president pro tempore of the Senate. After these two officials, the legislature has designated the following line of succession: speaker of the House, attorney general, and chief justices of the 14 courts of appeals in ascending numerical order, beginning with the chief justice of the First Court of Appeals and ending with the chief justice of the Fourteenth Court of Appeals, both of whom have their primary seats in Houston.

If the governor is temporarily unable to serve, is temporarily disqualified, or is impeached, the lieutenant governor exercises the powers of the gover-

nor's office until the governor becomes able or qualified to serve or is acquitted of impeachment charges. The lieutenant governor becomes acting governor while the governor is absent from the state. By custom, the Texas governor and lieutenant governor arrange their schedules so that, on at least one occasion, both are conveniently out of state at the same time. In such circumstances, the president pro tempore of the Senate has the honor of becoming acting governor until the governor or lieutenant governor returns. Typically, the senator will host a day of festivities (largely financed by lobbyists) for supporters while serving temporarily as governor. On 26 April 2003, for example, thousands of South Texans from Eddie Lucio's Senate District 27 were in Austin to see him sworn in as acting governor while Governor Perry and Lieutenant Governor Dewhurst were away from the state.

Removal from Office

Impeachment by the House of Representatives and conviction by the Senate constitute the only constitutionally prescribed method of forcing a Texas governor from office before the end of a term. Article XV of the Texas Constitution states, "The power of impeachment shall be vested in the House of Representatives." Each article of impeachment (similar to a grand jury's indictment) must be approved by a simple majority vote of the House. To remove the governor, one or more impeachment articles must be approved by a two-thirds majority vote of the senators present.

The penalty for conviction on an impeachment charge is removal from office and disqualification from holding any other appointive or elective public office in the state, but such conviction does not bar the person from holding a federal office, such as U.S. senator or representative. Following removal, a former governor who has been ousted after violating a law may be tried and convicted in a regular criminal trial or may be subjected to a judgment rendered in a civil court.

Although all of Texas's state constitutions have provided for impeachment and removal of the governor, only Governor James E. ("Pa") Ferguson has been impeached and removed. Ferguson's troubles stemmed from misuse of state funds and a personal feud with the University of Texas. After Ferguson vetoed all appropriations for the university, the House speaker called a special session of the legislature. This action was approved by the attorney general, although the Texas Constitution gives the power only to the governor to call special sessions. On 25 September 1917, the Senate convicted Ferguson on 10 articles of impeachment, one of which charged him with official misconduct. The other 9 articles involved violations of the state's banking laws and use of state funds for private gain. For example, he was convicted of causing state funds to be deposited at the Temple State Bank in accounts that did not pay interest. He then used the deposits as collateral for obtaining personal loans.

Reporting how University of Texas students and powerful alumni were outraged when Ferguson used his veto power on the state appropriation, one historian noted: "Soon after Ferguson's 'war' with the University, the Ex-Students' Association voted to remain an independent organization, outside the sphere of state control where it would be free to defend the University again if needed."[6] Grounds for removing governors or other officials in the executive branch are not stipulated in the Texas Constitution. Rather, impeachment proceedings are highly charged political affairs with legal overtones.

Staff

Even though the Texas governor's hands are often tied when dealing with the state bureaucracy, the chief executive's personal staff continues to function directly under gubernatorial supervision. A governor's success in dealing with lobbyists, interest groups, the legislature, and the general public depends largely on staff input and support.

The **Governor's Office** directs programs mandated by the legislature, such as statewide planning. Pressure for belt tightening in state government resulted in a reduction of staff from more than 300 at the end of Governor Ann Richards's term (January 1995) to less than 200 under Governor Rick Perry in mid-2003. Even that number dwarfs the 68 full-time employees who served under Governor John Connally (1963–1969).

The principal impetus for more personnel in the Governor's Office is an activist approach to statewide issues, ranging from criminal justice coordination to administration of federal funds. Furthermore, there is a nationwide trend to personalize this office so that every interested citizen may have access to the governor or a staff member. Also, increasing importance is being given to intergovernmental relations involving cities, councils of governments, interstate councils, federal agencies, and international affairs (particularly matters involving Mexico). The governor of Texas appoints and removes staff members without legislative approval.

How much the governor's appointed assistants and unofficial advisers influence gubernatorial decisions is open to speculation. Protecting their chief is still a primary function of many staff assistants, particularly the press secretary and the assistant for board appointments. All Texas governors have placed close friends and political associates in these positions—persons who can be relied on for their loyalty to the chief executive. For example, Mike McKinney, Mike Toomey, and Rick Perry began serving in the House of Representatives in 1985. With two other conservative representatives, they became known as the "Pit Bulls" for their budget-cutting zeal. After Perry became governor, he appointed McKinney as his first chief of staff. Two years later, Toomey (then an influential lobbyist and former chief of staff for Governor Bill Clements) became Perry's second chief of staff.[7]

Powers of the Governor

Inaugurated on the third Tuesday in January of every fourth year (always the odd-numbered year before a presidential election), the governor of Texas takes an oath "to cause the laws to be faithfully executed." Herein lies the general constitutional responsibility of the office; however, the governor has few formal powers to carry out this mandate. Whatever success the governor may achieve stems less from constitutional or statutory power than from the chief executive's ability to rally public opinion behind gubernatorial programs and balance the ever-present demands of lobbyists. Powers of the governor may be classified as formal (executive, legislative, judicial) and informal.

Executive Powers

The governor's executive powers are used to appoint—and in some cases to remove—state officials, to deal with problems caused by civil disorder and natural disasters, to participate in state budget making and budget management, to announce policies by issuing executive orders, to make public proclamations for ceremonial and other purposes, and to promote the economic development of Texas. In some respects, the governor exercises executive powers like those wielded by heads of other big organizations (for example, university presidents, business CEOs, union leaders, or the U.S. president), but there are obvious differences. Of course, the executive powers of the governor of Texas resemble those of the country's other 49 state governors, but different state laws and state constitutions give some governors more executive powers while other governors get less.

Appointive Power Fundamental to the effective management of any organization is the chief executive's power to appoint subordinates who will be effective and loyal. Such **appointive power** is the most significant of the Texas governor's executive powers. The same laws that create administrative agencies allow a governor to appoint friends and political supporters to more than 2,000 positions on nearly 300 boards, commissions, and committees. The relationship between campaign contributions and gubernatorial appointments is documented in a recent study by Texans for Public Justice. According to this study, from 1995 to mid-2000, George W. Bush received $1.4 million in gubernatorial campaign money from 413 contributors whom he later appointed to 50 of the state's leading boards and commissions.[8] Department heads appointed by the governor include the secretary of state; the adjutant general, who heads the Texas National Guard; the executive director of the Office of State-Federal Relations; the executive commissioner of health and human services; commissioners of education, insurance, and firefighters' pensions; and the chief administrative law judge of the State Office of Administrative Hearings (SOAH). Members of the governor's personal staff also are appointed.

Gubernatorial appointive power is not without certain legal and political limitations. The Texas Constitution requires that all appointees (except personal staff) be confirmed by the Senate with a two-thirds vote of senators present—a time-honored tradition known as "advice and consent" that also applies to the appointees of U.S. presidents and governors in most other states. Practical politics requires that the governor respect the tradition of senatorial courtesy by consulting with a prospective appointee's state senator before sending the candidate's name to the full Senate for confirmation. Politics also demands that the appointments director in the Governor's Office conduct a background check on the appointee to avoid any prospective embarrassment—as occurred when, for example, Governor Dolph Briscoe appointed a dead man to a state board.

Governors may try to circumvent the Senate by making **recess appointments** while the Senate is not in session. However, the Texas Constitution requires that all recess appointments be submitted to the Senate for confirmation within 10 days after it convenes for a regular or special session. Failure of the Senate to confirm a gubernatorial recess appointment prevents the governor from reappointing that person to the same position.

Another limitation on the governor's appointive power is that the members of most state boards and commissions serve for six years, with overlapping terms of office. Thus, a first-term governor must work with carryovers from previous administrations even if such carryovers are not particularly supportive of the new governor.

Due to the elective status of the 3-member Railroad Commission (elected statewide) and the 15-member State Board of Education (elected from districts drawn by the legislature, or by a court if the legislature fails to act or draws districts that are unconstitutional), the governor lacks direct control over these agencies. But the chair of the State Board of Education is appointed from among board members by the governor.

The appointive power of the governor extends to filling vacancies for elected heads of the executive departments, members of the Railroad Commission and the State Board of Education, and judges (except those for county, municipal, and justice of the peace courts) until the next general election. Also, when a U.S. senator from Texas dies, resigns, or is removed from office before his or her term expires, the governor fills the vacancy with an interim appointee. That appointee serves until a successor is elected in a special election called by the governor. A vacancy in either house of the Texas Legislature or in the Texas delegation to the U.S. House of Representatives does not result in an interim appointment. Instead, the governor must call a special election to fill the position until the next regularly scheduled election.

Removal Power In creating numerous boards and commissions, the legislature gives the governor extensive appointive power but no independent removal power over most state agencies. Lack of effective **removal power**

greatly limits gubernatorial control over the state bureaucracy. The governor's independent removal power extends to members of the governor's staff and three statutory officials whose offices were created by the legislature: the executive director of the Department of Housing and Community Affairs, the executive commissioner of health and human services, and the insurance commissioner.

Elected department heads and their subordinates are not subject to the governor's removal power. Moreover, other than the executive commissioner for health and human services and the insurance commissioner, both of whom the governor appoints and can remove, the governor's hands are tied in directly removing most board and commission officials. The governor may informally pressure an appointee to resign or accept another appointment, but this pressure is not as effective as the power of direct removal. Governors may remove their own appointees with consent of two-thirds of the state senators present; however, this authority still falls short of independent removal power.

Military Power The governor of Texas is commander in chief of the state's military forces: the Texas Army National Guard, the Texas Air National Guard, and the Texas State Guard. Units of the Texas State Guard are available for service within the state when National Guard units are mobilized for federal service in time of war or national emergency.

Acting under gubernatorial direction, the adjutant general (the state's highest-ranking military officer) may mobilize National Guard units to enforce state law, repel invasion, curb insurrection and riot, and maintain order in times of natural disasters, such as those resulting from tornadoes and floods. For example, National Guard personnel were sent to the Lufkin and Nacogdoches areas to help recover hazardous material from the space shuttle *Columbia*, which disintegrated over East Texas on 1 February 2003. The governor may declare **martial law** (temporary rule by the state's military forces and suspension of civil authority) if deemed necessary because of civil disorder, such as a riot that cannot be handled by local authorities.

Law Enforcement Power The governor holds some state **law enforcement power** in that he appoints the three members of the Public Safety Commission, although these appointments are subject to Senate approval. The director of public safety is appointed by the commission and oversees more than 7,000 personnel in the Department of Public Safety (DPS). Included among the department's responsibilities are highway traffic supervision, driver licensing, motor vehicle inspection, and criminal law enforcement in cooperation with local and federal agencies. If circumstances demand swift but limited police action, the governor is empowered to assume command of the Texas Rangers, a branch of the DPS composed of a few more than 100 highly trained law enforcement personnel. Early in 2003, Ranger membership included 114 men (94 Anglo, 14 Latino, 4 African American, 1 Asian American, 1 Native

American) and 2 women (1 Anglo, 1 African American). The first woman Ranger was selected by DPS in 1993.

In Texas, law enforcement is primarily a city and county responsibility rather than a state function. Nevertheless, when public safety policies are enacted by the legislature, DPS must implement them.

Budgetary Power Gubernatorial **budgetary power** is subordinated in part to the legislature's prerogative of controlling the state's purse strings. By statutory requirement, the governor and the Legislative Budget Board each should prepare separate budgets for consideration by the legislature. However, some governors have failed to submit a budget. Traditionally, both houses have been inclined to give greater respect to the Legislative Budget Board's spending proposals.

In the fall of 2002, Governor Perry announced his intention to present a detailed budget to the 78th Legislature early in 2003. Until the day before the legislature convened, he and his budget assistants were following the comptroller's earlier estimate that the state would experience a $5.1 billion shortfall for the 2004–2005 biennium. Then on 13 January, Comptroller Carole Keeton Strayhorn shocked Perry and others with a new estimate indicating that the shortfall would be $9.9 billion. Shortly thereafter, the Legislative Budget Board indicated that the gap would be $10.5 billion, and some legislators predicted it would be even higher. Subsequently, the governor ceased efforts to produce a detailed spending plan and on 17 January sent to the legislature a 400-page document filled with budget items followed by zeros. Perry explained that this "zero-based" budget would make legislators start from scratch and justify spending for every budget item. Later, in his State of the State address on 11 February, Perry made suggestions for spending reductions totaling about $9.5 billion.[9]

To deal with a predicted shortfall of $1.8 billion for the fiscal year ending 31 August 2003, a directive cosigned by Perry, Lieutenant Governor Dewhurst, and Speaker Tom Craddick directed state agencies to reduce spending by 7 percent. Public education and health programs for children and the elderly were exempt from the reduction.

The governor's principal control over state spending comes from the constitutional power to veto an entire appropriations bill or individual budget items. In June 2003, for example, Governor Perry used the item veto to cut $81.1 million from the state budget for fiscal years 2004 and 2005. Recognizing that the governor's hand needed strengthening in managing the budget, the legislature has relinquished some of its budgetary control. (See the chapter "Revenues, Expenditures, and Fiscal Policy" for details concerning budget execution power.)

Executive Orders and Proclamations One instrument of executive authority is the **executive order**. During the 27 months between March 2001 and June 2003, Governor Perry issued 24 executive orders to set policy within the exec-

utive branch and to create or abolish various executive task forces, boards, commissions, and councils. (For an example of an executive order, see Reading 7.2, "Executive Order Creating the Governor's Clean Coal Technology Council."[10]) Another instrument of executive authority is the **proclamation**, which is an official public announcement. Proclamations are often used for ceremonial purposes (for example, proclaiming Pearl Harbor Remembrance Day or Disabilities Employment Awareness Month). Other uses include calling special elections, declaring a region to be a disaster area, and announcing the ratification of constitutional amendments.

Economic Development Leadership After a series of mismanagement problems within the Texas Department of Economic Development, Governor Perry sought direct control over efforts to attract investment from other states and countries. Thus, in 2003, the 78th Legislature abolished the department and placed the state's economic development program within the Office of the Governor. This action was taken after failure to coordinate local and state efforts to persuade the Boeing Company to relocate its corporate headquarters from Seattle to the Dallas–Fort Worth area instead of Chicago. In an effort to prevent a similar occurrence, Governor Perry intervened directly in efforts to bring a Toyota plant to San Antonio. Finally, with a $133 million incentive package for Toyota and $28.5 million for an 8-mile rail spur and other infrastructure improvements, the Toyota Motor Company announced on 5 February 2003 that it would build a truck plant in San Antonio.[11] At Perry's urging, the legislature established the Texas Enterprise fund and authorized the governor to spend $295 million helping cities attract or retain industry in fiscal years 2004 and 2005.

Legislative Powers

Perhaps the most stringent test of a Texas governor's capacity for leadership involves handling of legislative matters. The governor's **legislative power** is exercised through three major functions authorized by the Texas Constitution: delivering messages to the legislature, vetoing bills and concurrent resolutions, and calling special sessions of the legislature. However, the success of a legislative program depends heavily on a governor's ability to use informal persuasion with influential lobbyists, legislative leaders (particularly the speaker of the House of Representatives and the lieutenant governor), the press, and, occasionally, the general public.

Message Power The Texas Constitution requires the governor to deliver a State of the State address at the "commencement" of each regular session of the legislature. (See Reading 7.3, "Excerpts from Governor Rick Perry's State of the State Address, 13 February 2003.") On occasion, the governor may also present special messages, either in person or in writing. By custom, the governor delivers a farewell message at the conclusion of a term of office, but Ann

Richards did not deliver such an address when she stepped down in January 1995. A governor's success in using **message power** to promote a harmonious relationship with the legislature depends on such variables as the timing of special messages concerning volatile issues, the support of the governor's program by the chairs of legislative committees, and the governor's personal popularity.

Veto Power The most direct legislative tool of the governor is the power to veto legislation. A governor may veto a bill by returning it unsigned (with written reasons for not signing) to the chamber in which it originated. If the legislature is no longer in session, the vetoed bill is filed with the secretary of state. **Veto power** takes different forms. For example, the governor may kill one or more specific spending authorizations in an appropriation bill while permitting enactment of the remainder of the budget. Hence, the **item veto** (also called a line item veto) places the governor in a powerful bargaining position with individual legislators in the delicate game of pork-barrel politics. That is, the governor may strike a bargain with a senator or representative in which the chief executive promises not to deny funding for a lawmaker's pet project (the pork). In return, the legislator agrees to support a bill favored by the governor. The legislature can override the governor's veto by a two-thirds majority vote in both houses, but overriding a governor's veto has occurred only once since the administration of Governor W. Lee O'Daniel (1939–1941). In 1979, the House and Senate overrode a veto by Governor Clements. Thus, the strong veto power that the Texas Constitution gives to the governor and the governor's informal power of threatening to veto a bill are formidable weapons for dealing with uncooperative legislators.

Both the governor of Texas and the president of the United States have the prerogative of neither signing nor vetoing a bill within 10 days (Sundays excepted) after its passage, thus allowing the measure to become law without executive signature. But if the president "pockets" a bill that is passed within 10 weekdays before congressional adjournment, such failure to act kills the measure. Although not possessing pocket-veto power, the governor of Texas may exercise a **postadjournment veto** by rejecting any pending legislation within 20 days after a session has ended. Because most bills pass late in a legislative session, the postadjournment veto is a powerful tool for the governor.

During the regular session of the 77th Legislature in 2001, Governor Perry vetoed only a few bills. But in what some critics termed the "Father's Day Massacre," he exercised 78 postadjournment vetoes at 9 P.M. on the last possible day to do so (17 June). Perry's total of 82 vetoes in a year set a record, surpassing 59 vetoes by Governor Bill Clements in 1989. Among the measures Perry vetoed were a bill prohibiting the death sentence for mentally retarded murderers; a bill setting standards for prompt medical insurance payments to physicians and hospitals; a bill expanding Medicaid coverage for uninsured and needy persons; a bill requiring a career ladder and other improved working conditions for prison guards; and a bill allowing undocumented aliens to apply

for a driver's license without providing a Social Security number.[12] Two years later, Perry issued a total of 48 vetoes to kill bills passed during the regular session of the 78th Legislature.

Special-Sessions Power Included among the governor's powers is the authority to call special sessions of the legislature. The Texas Constitution places no limits on the number of special sessions a governor may call, but a special session is limited to 30 days. During a special session, the legislature may consider only those matters the governor specifies in the call or subsequently presents to the legislature. Exceptions to this limitation extend to confirmation of appointments and impeachment proceedings without gubernatorial approval. As with message power, a governor's success in using the power to call special sessions depends on timing and on rapport with legislative leaders. From 1991 through 1994, Governor Richards called four special sessions. Governor Bush called none. In June 2003, Governor Perry called a session for congressional redistricting. Later, he added 28 additional subjects to this call.

Judicial Powers

Though possessing few formal judicial powers, the governor may fill vacancies on many of Texas's courts, perform acts of clemency to lighten the sentences given to some convicted criminals, and exercise limited removal power over some state judges and justices.

Appointment and Removal of Judges and Justices More than half of Texas's state judges and justices first serve on district courts and higher appellate courts through gubernatorial appointment to fill a vacancy caused by a judge's death, resignation, or removal. For example, Wallace B. Jefferson became the first African American to serve on the Texas Supreme Court after Governor Perry appointed him to replace Justice Al Gonzales, who resigned to become White House Counsel for President Bush. According to Article XV, Section 8, of the Texas Constitution, the governor may remove any jurist "on address of two-thirds of each house of the Legislature for willful neglect of duty, incompetence, habitual drunkenness, oppression in office, or other reasonable cause which shall not be sufficient ground for impeachment." Governors rarely resort to such action, however, leaving removal of state jurists to other proceedings and voters. (See the chapter "Laws, Courts, and Justice" for a discussion of the disciplining and removal of judges and justices.)

Acts of Executive Clemency Until the mid-1930s, Texas governors had extensive powers to undo or lessen punishment for convicted criminals through acts of clemency that set aside or reduced court-imposed penalties. Exercise of these powers led to charges of corruption, which are illustrated by the story about a man who stepped on the foot of Miriam A. Ferguson (governor, 1925–1927 and 1933–1935) after they entered an elevator in the Capitol. According to this apocryphal tale, the man said to the governor, "Pardon me." Her response was,

"You will have to ask Jim." Whether or not Ma Ferguson and her husband, James E. Ferguson (governor, 1915–1917) sold pardons has been hotly debated. Nevertheless, a constitutional amendment adopted in 1936 reduced the clemency powers of the governor and established the Board of Pardons and Paroles, which is now a division of the Texas Department of Criminal Justice.

Parole—the release of a prisoner before completion of a sentence on condition of good behavior—is granted by the 18-member Board of Pardons and Paroles, without action by the governor. However, the governor may perform various acts of **executive clemency** that set aside or reduce a court-imposed penalty through pardon, reprieve, or commutation of sentence. For example, on recommendation of the Board of Pardons and Parole, the governor may grant a full or conditional pardon. A **full pardon** releases a person from all consequences of a criminal act and restores rights enjoyed by persons who have not been convicted of crimes. Under a **conditional pardon**, the governor may withhold certain rights, such as being licensed to practice a selected occupation or profession. Acting independently, the governor may also revoke a conditional pardon if the terms of that pardon have been violated.

The governor also independently may grant one 30-day reprieve in a death sentence case. A **reprieve** temporarily suspends execution of the penalty imposed by a court. Ann Richards refused all requests for reprieve from the 48 condemned men who were executed during her four years as governor. She did, however, grant one reprieve in the highly publicized capital murder case of Gary Graham, who later requested a second 30-day stay of execution from Governor Bush. However, a Texas attorney general's opinion advised that only one 30-day reprieve can be issued in any given case. Thus, since Graham had received one reprieve from Governor Richards, his request for an additional 30-day stay of execution from Governor Bush was denied. Despite various court-ordered delays and pleas from the Reverend Jesse Jackson and other death penalty opponents, Graham was executed by lethal injection during Governor Bush's second term.

Only one reprieve was granted in a death-penalty case while Bush served as governor—that of Ricky McGinn. Although initiated by Governor Bush, McGinn's reprieve was signed by state senator Rodney Ellis (D-Houston), the president pro tempore of the Senate. Ellis was serving as acting governor while Bush and Lieutenant Governor Rick Perry were out of state.

The governor also possesses two other clemency powers that may be exercised only on recommendation of the Board of Pardons and Paroles. If recommended by the board, a governor may reduce a penalty through **commutation** (reduction) **of sentence** and may remit (return) forfeitures of money or property surrendered as punishment.

Informal Powers

The ability of a governor to sway public opinion and to direct or influence the actions of other government officials depends on more than constitutional

powers or powers conferred by the legislature. Informal powers are not based on law but stem from a governor's popularity and on traditions, symbols, and ceremonies.

In the eyes of most Texans, the governor's ceremonial office in the Capitol holds center stage. Although this room is used primarily for press interviews and public functions, its occupant is a symbol of the government of the Lone Star State. For routine work on a daily basis, the governor has another office in the Capitol, and staff members have offices in the State Insurance Building, located on San Jacinto Street, one block east of the Capitol.

Of course, a governor cannot accept all invitations to deliver speeches or participate in dedications, banquets, and other public events. Within the limits of time and priorities, however, every governor does attempt to play the role of chief of state. The breadth and depth of this role cannot be fully measured, but its significance should not be underestimated in determining a governor's effectiveness.

Media relations are important. Responding to journalists' demands for information requires the services of an able press secretary, along with a governor's ability to participate effectively in interviews with newspaper and television reporters. Public involvement of family members may also be a source of support. Laura Bush, for example, enhanced her husband's image as a governor committed to improving education. Her First Lady's Family Literacy Initiative Program was especially designed to assist children from lower-income families living in disadvantaged neighborhoods.

Anita Perry, with bachelor's and master's degrees in nursing and 17 years of experience in various fields of nursing, is often referred to by her husband as First Nurse as well as First Lady. Her public speeches on topics such as Alzheimer's disease, breast cancer awareness, and family violence prevention have been a source of support for Governor Perry. In addition, Anita Perry has worked with her husband to host the annual Texas Conference for Women, where women from all parts of Texas as well as other states meet to consider a wide range of women's interests, such as health care, personal growth, and professional development.

The Plural Executive

Politically, the governor of Texas is the state's highest-ranking officer, but in practice the governor shares executive power with various state officers. Although millions of Texans cannot readily identify them by name, the attorney general, the comptroller of public accounts, the land commissioner, and the agriculture commissioner are elected executive officers who oversee large departments with multimillion-dollar budgets. Set by the legislature, their annual salaries for fiscal years 2004 and 2005 remained unchanged at $92,217. Along with the governor, the lieutenant governor, and the appointed secretary of state, these state officials are referred to collectively as the **plural executive**.

Points to Ponder

Beginning in 1846, following annexation by the United States in 1845, Texas had the following numbers of state officials through June 2003:

- 62 governors
- 42 lieutenant governors
- 50 attorneys general
- 28 commissioners of the General Land Office
- 10 commissioners of agriculture (office created by the legislature in 1907)
- 25 comptrollers of public accounts
- 88 secretaries of state

Source: *Texas Almanac, 2002–2003* (Dallas: Dallas Morning News, 2001), 424–427; Office of the Commissioner of Agriculture; and web sites for the executive departments.

This structural arrangement contributes significantly to the state's long ballot, because these executive officials (except the secretary of state) are popularly elected to four-year terms with no limit on their reelection. There is no restriction on the number of terms a secretary of state may serve, although each new governor appoints his or her own. Elected department heads are largely independent of gubernatorial control; however, with the advice and consent of the Senate, the governor makes appointments to fill vacancies in these offices until the next general election. Unlike department heads in the federal government, those in Texas do not form a cabinet to advise the governor.

The Lieutenant Governor

Considered by some political observers to be the most powerful official in Texas government, the **lieutenant governor** functions more in the legislative area than in the executive branch. The Texas Constitution requires the Senate to convene within 30 days whenever a vacancy occurs in the lieutenant governor's office. Senators then elect one of their members (as in the case of Bill Ratliff in 2000) to fill the office as acting lieutenant governor until the next general election.

Points to Ponder

Before election as lieutenant governor in 2002, Republican David Dewhurst:

- Obtained a B.A. degree from the University of Arizona, where he played basketball
- Served as an officer in the U.S. Air Force and the U.S. Central Intelligence Agency
- Was a rancher and founded Falcon Seaboard, an energy and investments company
- Was elected as commissioner of the General Land Office

The annual state salary for the office of lieutenant governor is only $7,200, the same as that paid to members of the legislature. Like legislators, the lieutenant governor may also hold a paying job in private business.

As president of the Senate, the lieutenant governor is the presiding officer for that chamber and exercises great influence on legislation. (See the chapter "The Legislature.") Also, because the lieutenant governorship is regarded as a



Lieutenant Governor David Dewhurst (right), *with Senator Kip Averett (R-Waco)* *(Senate Media Services)*

possible stepping stone to the governorship or other high positions, competition is intense among candidates for that office.

Many Texas lobbyists and members of the business community supported John Sharp, a Democrat and former comptroller of public accounts, in the 2002 race for lieutenant governor. But multimillionaire Republican David Dewhurst, the state's commissioner of the General Land Office at that time, won the November general election. To finance his campaign, Dewhurst used more than $10 million of his own money plus another borrowed $13 million. After his victory, Dewhurst recouped some of this money at fundraising events where Sharp's supporters were able to "catch the late train" by making postelection contributions.[13] As his chief of staff, Lieutenant Governor Dewhurst hired Bruce Gibson, who formerly served as Democratic state representative, assistant to former Lieutenant Governor Bob Bullock, and vice president for government and regulatory affairs for Reliant Energy.[14] Dewhurst also signed on Chuck Anderson, former executive director of the Texas Christian Coalition, as another top staff assistant.[15] Some of the lieutenant governor's assistants are paid from his unbudgeted officeholder account, to which money is contributed by polititical supporters.

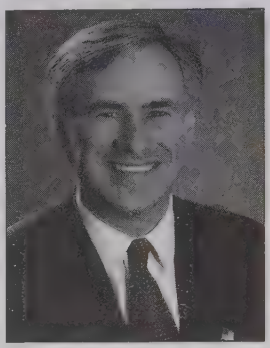
The Attorney General

Increasingly, one of Texas's most visible and powerful officeholders is the **attorney general**. Whether suing tobacco companies, arguing affirmative action

Points to Ponder

Before election as attorney general in 2002, Republican Greg Abbott:

- Received a B.A. degree from the University of Texas at Austin and a law degree from Vanderbilt University
- Served as judge of the 129th District Court in Houston for three years
- Was appointed to the Supreme Court of Texas by Governor George W. Bush and subsequently was elected to this court for two terms



(Photo courtesy Attorney General Abbott)

questions, or trying to resolve redistricting disputes, the state's chief lawyer is on the cutting edge of many public policy debates. This officer gives advisory opinions to state and local authorities and represents the state in civil litigation.

With more than 4,000 employees, the Office of the Attorney General is asked for advice concerning the constitutionality of many pending bills. The governor, heads of state agencies, and local government officials also request opinions from the attorney general on the scope of their jurisdiction and vaguely worded laws. Although neither judges nor other officials are bound by these opinions, the attorney general's rulings are considered authoritative unless overruled by court decisions or new laws. Another power of the attorney general is to initiate quo warranto proceedings, which challenge an official's right to hold public office. Such action may lead to the removal of an officeholder found guilty of official misconduct.

The election of Democratic candidate Dan Morales as attorney general in 1990 gave him the distinction of being the first Latino elected to head an executive department under the Texas Constitution of 1876. Morales's low-key style during his first term as attorney general (1991–1995) stood in sharp contrast to the high-profile lawsuits handled by his office. In 1994, Morales won a second term by defeating his Republican rival, Don Wittig, a Houston state district judge, but four years later he decided not to seek a third term.

Morales was replaced by San Antonio attorney John Cornyn, a Republican and former Texas Supreme Court justice. *Texas Monthly's* Paul Burka notes that Cornyn was involved in highly publicized controversies that included (1) ending the practice of hiring private attorneys to represent the state in some complicated law suits for a percentage of any winnings, (2) sending an ambiguous letter to school districts concerning the legality of prayer at their athletic events, (3) settling a water pollution case for a record amount but less than might have been obtained, (4) settling a suit against health maintenance organizations (HMOs) without obtaining payment of fines, and (5) helping to raise funds for the Republican Attorneys General Association,

which sought financial contributions from companies being sued in some states. Throughout his four years as attorney general, Cornyn sought to prevent lawyers hired by Morales from collecting $3.3 billion in court-awarded fees from winning a $17.3 billion tobacco-company settlement that compensated the state for tobacco-related health care costs. The fact that these lawyers were big contributors to Democratic candidates was viewed by Cornyn's critics as an example of his devotion to Republican politics rather than law.[16]

After Cornyn decided to run for a seat in the U.S. Senate, Supreme Court Justice Greg Abbott was nominated by the Republican Party for the office of attorney general. In the November election of 2002, Abbott defeated Democrat Kirk Watson, a former Austin mayor. Before Abbott began his elected term in January 2003, Governor Perry appointed him to serve for a few weeks in that office following Cornyn's resignation in November 2002. At that time, Abbott declared that he was "philosophically very committed to open government" and that he would enforce the state's open records laws for the benefit of the public and the media. This statement was welcomed by the press and public interest groups that had complained about lack of access to information concerning government operations.[17]

The Comptroller of Public Accounts

One of the most powerful elected officers in Texas government is the **comptroller of public accounts**, the state's chief accounting officer and tax collector. After a biennial appropriation bill has been passed by a simple majority vote in the House and Senate, the Texas Constitution requires the comptroller's certification that expected revenue will be collected to cover all of the budgeted expenditures. Otherwise, an appropriation must be approved by a four-fifths majority vote in both houses. One of the comptroller's duties is to designate hundreds of Texas financial institutions (mostly banks, but also a few savings and loan companies and credit unions) to serve as depositories for state-collected funds.

Points to Ponder

Before election as comptroller of public accounts in 1998 and 2002, Republican Carole Keeton Strayhorn:

- Received a bachelor's degree from the University of Texas at Austin
- Worked as a public school teacher
- Served as president of the board of the Austin Independent School District and was president of the board of Austin Community College and mayor of Austin
- Was elected to a seat on the Texas Railroad Commission



(Photo courtesy Comptroller of Public Accounts Strayhorn)

Bob Bullock left the comptroller's post in 1990 to become lieutenant governor. He was succeeded by Democrat John Sharp, a former state legislator and member of the Texas Railroad Commission. Sharp won a second term in 1994 when he defeated Republican Theresa Doggett. Sharp was succeeded by Carole Keeton Rylander (now Strayhorn). Rylander resigned her Texas Railroad Commission seat to become Texas's first woman state comptroller after defeating Democrat Paul Hobby, son of former lieutenant governor Bill Hobby, in 1998. Four years later Rylander won another term by defeating Democratic candidate Marty Akins, a former lawyer, rancher, and All-American quarterback. In January 2003, at the swearing-in ceremony for her second term, the self-styled "tough grandma" presented her third husband, announced that Strayhorn would be her new surname, and took personal pride in a weight loss of more than 100 pounds.[18]

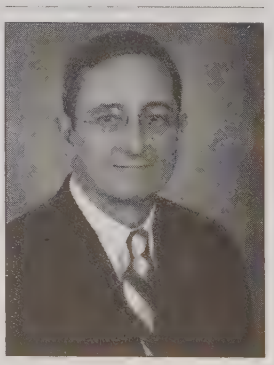
The Commissioner of the General Land Office

Although less visible than other elected executives, the **commissioner of the General Land Office** is a major player in Texas politics. Since the creation of the General Land Office under the Constitution of the Republic of Texas (1836), the commissioner's duties have been expanded to include awarding oil, gas, and sulfur leases for lands owned by the state; serving as chairman of the Veterans Land Board; and sitting as an ex officio (holding another office) member of other boards responsible for managing state-owned lands. With more than 600 employees, the General Land Office also oversees growth of the Permanent School Fund, financed by oil and gas leases, rentals, and royalties that annually provide more than $700 million for public school funding.

Points to Ponder

Before election as commissioner of the General Land Office in 2002, Republican Jerry Patterson:

- Graduated from Texas A&M
- Served as a Marine fighter pilot during the Vietnam War
- Served for six years in the Texas Senate, where he played a leading role in passing the concealed handgun law
- Ran unsuccessfully for nomination as the GOP candidate for commissioner of the General Land office in 1998



(Photo courtesy Commissioner Patterson)

When Democrat Garry Mauro left the land commissioner's post to make an unsuccessful bid for the governorship in 1998, his decision afforded Republicans an opportunity to win a state office. Seizing that moment was Houston businessman David Dewhurst. In winning his first political office,

Dewhurst spent more than $5 million on his campaign and was helped by Governor George W. Bush's popularity.

After Dewhurst decided to run for lieutenant governor in 2002, lobbyist Jerry Patterson became the GOP candidate for land commissioner. Patterson defeated the Democratic candidate, state senator David Bernsen. When he was sworn in on 3 January 2003, Patterson declared that he would serve out his term and seek reelection in 2006. Environmentalists were unhappy with Patterson's plan to increase oil and gas production by reducing drilling restrictions along the Gulf Coast, including the Padre Island National Seashore.[19]

The Commissioner of Agriculture

By law, the **commissioner of agriculture** is supposed to be a "practicing farmer," but this criterion is vague enough to qualify anyone who owns or rents a piece of agricultural land. Name recognition by the state's voters (most of whom live in suburbs or central cities) is the principal requirement for winning the office.

Points to Ponder

Before election as commissioner of agriculture in 1998 and again in 2002, Republican Susan Combs:

- Received a B.A. degree and a law degree from the University of Texas at Austin
- Raised cattle on her family's ranch in Brewster County
- Served as an assistant district attorney in Dallas County
- Was elected to two terms in the Texas House of Representatives



(Photo courtesy Agriculture Commissioner Combs)

In 1998, Susan Combs, former state representative from Austin, became Texas's first woman to be elected agriculture commissioner. Her election suggested that GOP strategists were trying to shed an image of "good ol' boy" politics. The commissioner is responsible for enforcing agricultural laws and for providing service programs to Texas farmers, ranchers, and consumers. Control over the use of often-controversial pesticides is exercised through the Department of Agriculture's Pesticide Programs Division. This division restricts the use of high-risk chemicals and licenses dealers and commercial applicators as well as private applicators who use pest control chemicals on their own farms and ranches. Other enforcement actions of the department include inspections to determine the accuracy of commercial scales, pumps, and meters. In 2002, Combs won a second term by defeating Democrat Tom Ramsay.

The Secretary of State

The only constitutional executive officer appointed by the governor is the **secretary of state**. This appointment must be confirmed by a two-thirds vote of

Points to Ponder

Before appointment by Governor Perry as secretary of state in January 2002, Republican Gwyn Shea:

- Attended North Texas State University (now the University of North Texas)
- Graduated from the Dallas Baptist University Police Academy
- Served for ten years as a constable in Dallas County
- Was elected to five terms in the Texas House of Representatives



(Photo courtesy Secretary of State Shea)

the Senate. The secretary of state serves a four-year term with no limitation on the number of reappointments.

George W. Bush's first secretary of state and first Latino appointee was Tony Garza, a former Cameron County judge. When the Brownsville attorney resigned to win a seat on the Texas Railroad Commission, he was succeeded as secretary of state by Houston judge Al Gonzales. Later, Bush appointed Gonzales to fill a vacancy on the Supreme Court of Texas. Reaching out to Democrats, Bush chose Insurance Commissioner Elton Bomer, a former Democratic state representative from East Texas, as his third secretary of state. When Rick Perry succeeded Bush as governor, he appointed another Democrat, Representative Henry Cuellar from Laredo, to fill this office. After Cuellar resigned, Perry named Republican Gwyn Shea as secretary of state in January 2002. She resigned in July 2003, effective 4 August.

Overseeing a staff of about 250 people, the secretary of state is the chief election officer of Texas. Principal duties include the following:

- Administering state election laws in conjunction with county officials
- Tabulating election returns for state and district offices
- Granting charters to Texas corporations
- Issuing permits to outside corporations to conduct business within Texas
- Processing requests for extradition of criminals to or from other states for trial and punishment.

With these diverse duties, the secretary of state is obviously more than just a record keeper. How the office functions is determined largely by the occupant's relations with the governor.

Looking Ahead

Debate among academicians, journalists, and Texas politicians will continue to focus on appropriate power for the governor and other executive officials, as well as the best way to organize the executive branch of state government.

In 1999, Republican senator (later acting lieutenant governor) Bill Ratliff and Democratic representative Rob Junell worked for a new constitution that would provide a cabinet structure to replace the state's system of elected executives. This proposal was "dead on arrival" when legislative support was weak and neither Governor Bush nor Lieutenant Governor Perry weighed in with their support. At the beginning of 2003, Republicans were in control of all statewide executive offices and had comfortable majorities in both state legislative chambers. Nevertheless, no interest was manifested in constitutional revision that would include changes in the executive branch, and none of the constitutional amendments proposed by the 78th Legislature was designed to affect the governor or other executive officials. It is true, however, that the governor's power was enhanced by legislation transferring the state's economic development program to the Office of the Governor. As indicated in the chapter "Public Policy and Administration," the 78th Legislature took other steps to increase the governor's control over the state's administrative agencies.

Chapter Summary

- Since 1876 Texas governors have held a weak constitutional office.
- Principal among the governor's prerogatives are extensive power to appoint members to the state's multiple boards and commissions, along with a strong veto power in dealing with the Texas Legislature.
- All governors must share executive power with the lieutenant governor and four elected department heads: the attorney general, state comptroller, land commissioner, and agriculture commissioner.
- The secretary of state is the only gubernatorially appointed executive department head provided for in the Texas Constitution.

Key Terms

Governor's Office
appointive power
recess appointment
removal power
martial law
law enforcement power
budgetary power
executive order
proclamation
legislative power
message power
veto power
item veto
postadjournment veto
parole
executive clemency
full pardon
conditional pardon
reprieve
commutation of sentence
plural executive
lieutenant governor
attorney general
comptroller of public accounts
commissioner of the General Land Office
commissioner of agriculture
secretary of state

Discussion Questions

1. Is the governor compensated adequately?
2. Should changes be made in the governor's removal powers?
3. How does the governor exercise influence over legislation?
4. How does the governor exercise influence over judicial matters?
5. Should executive department heads be popularly elected or appointed by the governor?
6. Which executive department head appears to have the greatest potential for affecting your personal life and career?

Internet Resources

Office of the Attorney General: **www.oag.state.tx.us**
Office of the Comptroller of Public Accounts: **www.window.state.tx.us**
Office of the Governor: **www.governor.state.tx.us**
Office of the Lieutenant Governor: **www.senate.state.tx.us/75r/ltgov/ltgov.htm**
Office of the Secretary of State: **www.sos.state.tx.us**
Texas Department of Agriculture: **www.agr.state.tx.us**
Texas General Land Office: **www.glo.state.tx.us**

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3. "Perry Links Funding for Medical Facilities to Reform Legislation," *Houston Chronicle*, 11 January 2003.
4. See Carolyn Barta, *Bill Clements: Texian to His Toenails* (Austin: Eakin Press, 1996); and Bill Minutaglio, *First Son: George W. Bush and the Bush Family Dynasty* (New York: Times Books, 1999).
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7. For more on Toomey and other actors on the Texas political stage, see Patricia Kilday Hart, "The Enforcer," *Texas Monthly*, May 2003, 128–131, 175–177; Wayne Slater and James Moore, *Bush's Brain: How Karl Rove Made George W. Bush Presidential* (New York: Wiley, 2003); and Lou Dubose, Jan Reid, and Carl Cannon, *Boy Genius: Karl Rove, the Brains Behind the Remarkable Triumph of George W. Bush* (New York: Public Affairs, 2003).
8. *Governor Bush's Well-Appointed Texas Officials* (Austin: Texans for Public Justice, 2000).

9. Ken Herman, "Governor Unveils Budget Recipe," *Austin American-Statesman*, 12 February 2003.
10. For praise of this order, see David Sibley, "Perry's Coal Initiative Important Step," *Waco Tribune-Herald*, 27 January 2003. Sibley, a lobbyist and former state senator, played a leading role in lobbying for this executive order.
11. See T. A. Badger, "Perry Proposes $15 Million for Rails to Entice Toyota," *Fort Worth Star-Telegram*, 19 December 2003; and L. A. Lorek, "Luring Plant Was a Texas-Size Job," *San Antonio Express-News*, 9 February 2003.
12. See *Vetoes of the Legislature—77th Legislature*, Focus Report No. 77-10 (Austin: House Research Organization, Texas House of Representatives, 26 June 2001); and Ken Herman, "Perry's Riding the Veto Record," *Austin American-Statesman*, 24 August 2002.
13. Michele Kay and Gary Susswein, "Supporters Gave Millions in 'Late Train' Donations," *Austin American-Statesman*, 16 January 2003.
14. Dave McNeely, "Dewhurst Can Capitalize on Chief of Staff's Experience," *Austin American-Statesman*, 2 February 2003.
15. Molly Ivins, "Duck and Cover! They're Back!" *Fort Worth Star-Telegram*, 16 January 2003.
16. For criticisms of Cornyn's political activities, see Paul Burka, "The Case Against John Cornyn," *Texas Monthly*, June 2000, 127, 134, 136; and Andrew Wheat, "Corporate AGs: Attorney, Restrain Thyself!" *Texas Observer*, 11 May 2001, 4–5.
17. Bob Richter, "AG Vows to Defend Open Records," *San Antonio Express-News*, 12 December 2002.
18. Gary Susswein, "Strayhorn Charges into Session," *Austin American-Statesman*, 8 February 2003.
19. April Castro, "Patterson Takes Reins as New Land Commissioner," *San Antonio Express-News*, 12 December 2002.

Selected Readings

7.1 Firms Help Pay the Tab*

George Kuempel

Ticket sales help pay for a big celebration when the governor and lieutenant governor take office, but contributions (mostly from lobbyists and large corporations) cover much of the cost. Corporate spokespersons insist that their companies are not trying to buy influence, but the executive directors of Public Citizen and Common Cause disagree. Readers will have to decide who is right.

Big corporations, law firms and private donors, many with business before the newly convened Legislature, are digging deep into their pockets to help stage the inaugural festivities for the state's top Republicans—Gov. Rick Perry and Lt. Gov.-elect David Dewhurst. The financial backers—including some who have given as much as $50,000 apiece—say they are just being good citizens, supporting an important civic event that should be financed without taxpayer money. The contributions, which total $1 million, "will help ensure reasonable ticket prices for the public. We want every Texan who wishes to participate in these inaugural events to be able to do so," said Pam Willeford of Austin, the inaugural committee chairwoman.

Complaints

Corporate donations traditionally have made up the bulk of the funding for recent Texas inaugurations—and have drawn complaints each time from citizen watchdog groups that say high-dollar givers are trying to curry political influence. "The smartest corporations in the country don't invest time and time again if they aren't getting a return on their investments. And the benefit is frequently not only in access but a payoff in policy later," said Tom "Smitty" Smith, executive director of Public Citizen of Texas, a nonprofit group that lobbies on open government and consumer issues. He said many companies will be affected as lawmakers work to balance a budget almost $10 billion in the hole. Other givers have a stake in proposed legislation on insurance, health care, civil liabilities and electric and telephone deregulation.

Suzy Woodford, executive director of Common Cause of Texas, said the contributions give big business even more clout this time. "We already know this is going to be the most business-friendly session we've had in 130 years.... So them paying for everything just assures their place at the top of the food chain," she said.

*From *Dallas Morning News*, 19 January 2003, 47A–48A. George Kuempel is a reporter with the Austin Bureau of the *Dallas Morning News*.

$1.5 Million Budget

The Texas inaugural budget is $1.5 million, but $100,000 in taxpayer money set aside for the event won't be used because of the state budget problems. The committee on Friday announced that it had raised $1 million from more than 60 corporate underwriters, pledging in amounts of $50,000, $25,000 and $10,000. The rest came from ticket sales. All 10,000 tickets for the inaugural ball Tuesday night at the Austin Convention Center were sold by Jan. 10, said Kellie Jones, a committee spokeswoman.

Officials with companies that made sizable donations said they are trying to do a good deed and don't expect anything in return. Christopher Schein, a spokesman for TXU, said the only things his company is getting for its $25,000 donation are some event tickets and the satisfaction of helping make the inaugural special. "This is a big event for the state, and if we can help contribute to the inaugural event, we will," he said.

Like many fellow benefactors, he said, his company's big concern in the new Legislature is the possibility of higher taxes, which could have a significant business impact. "We do have considerable assets on the ground, and obviously with 2.5 million customers in the state we have a lot of sales tax collections and franchise fee collections that we do," he said. "We'd like to avoid any new taxes, but at the same time, if there is a need to raise or increase taxes, make sure that it's not targeting one group or class of customers."

$50,000 Gifts

Philip Morris, the tobacco giant, gave $50,000 and will be lobbying against a $1-a-pack increase in cigarette taxes that some lawmakers want, said company spokesman Dave Tovar. He said there is no conflict in those actions. "We don't expect anything in return other than being able to sit down and have people listen to us and take our views into account when finding reasonable solutions to issues that affect our business," he said.

Michael Jewell, AT&T's vice president for government affairs for Texas, agrees. His company donated $50,000. "There is no benefit that we are looking for from them," he said. "We are very proud of what we do in Texas and welcome the ability to be able to help support both the governor and the lieutenant governor."

HCA Inc., a health care facilities owner, gave $50,000. It routinely contributes to inaugural events in states where it operates and expects no favors for doing so, spokesman Jeff Prescott said. "Absolutely not. It's simply part of participating in being a citizen of the state," he said.

Both Mr. Smith and Ms. Woodford, the consumer advocates, said that using taxpayer money to foot the bill would eliminate the questions of whether money buys access. Mr. Perry and Mr. Dewhurst "are being inaugurated because they were elected by the voters of Texas, and the voters of Texas need to pay for the ceremony," she said. "We ought not have anything that is being funded by any group that has an agenda other than the good of the taxpayers."

7.2 Executive Order Creating the Governor's Clean Coal Technology Council*

Governor Rick Perry

Issued by Governor Rick Perry, this document is an example of the 24 executive orders that Perry used during his first 30 months in office to set policy within the executive branch and to create executive councils, commissions, boards, and task forces.

Executive Order RP21—December 2002

Relating to the Creation of the Governor's Clean Coal Technology Council

by the
GOVERNOR OF THE STATE OF TEXAS
Executive Department
Austin, Texas
December 19, 2002

WHEREAS, the continued strength of the Texas economy is highly dependent upon the availability of reliable, low-cost electric power; and

WHEREAS, the diversity of fuel used to generate electricity is a significant factor in providing reliable and affordable energy to residents of this state; and

WHEREAS, coal is an important fuel source for keeping the price of electricity low in this state and the price of electricity generated with coal has remained relatively unchanged over the past 20 years; and

WHEREAS, evaluation of the environmental effectiveness and economic viability of new emissions reduction technologies that protect or improve air quality is necessary to protect the environment and the public health, safety, and welfare of all Texans; and

WHEREAS, the continued recovery and use of coal resources are important to the economy of this state; and

WHEREAS, advancements in clean coal technology may demonstrate that electricity from coal can be produced in a more efficient, economical, and environmentally friendly manner;

*Web site for Office of the Governor: Rick Perry, Executive Orders (**www.governor.state.tx.us/divisions/press/exorders/index_html/view**).

NOW, THEREFORE, I, Rick Perry, Governor of the State of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following:

1. *Creation and Duties.* The Governor's Clean Coal Technology Council ("the Council") is hereby created. The Council shall advise the Governor concerning the feasibility of developing clean coal technologies in Texas, including their potential to:

 - Preserve fuel diversity and maintain reliable, low-cost sources of electric power;
 - Reduce the emissions from existing coal-fired electric generation; and
 - Increase the efficiency of coal-fired electric generation.

 The Council shall study these matters and seek to identify new, cleaner coal-fired electric generation technologies that may be used to provide new generation capacity. The Council's study and evaluation of clean coal technologies in Texas may include assessment pilot projects as a means to evaluate such technologies, appraise their economics, assess the environmental benefits, or determine the importance of clean coal technologies to energy policy.
2. *Composition and Terms.* The Council will consist of members appointed by the Governor, who will designate one member to serve as chair and one member to serve as vice-chair. The Governor may fill any vacancy that may occur and may appoint other voting or ex-officio, non-voting members as needed. Any state or local officers or employees appointed to serve on the Council shall do so in addition to the regular duties of their respective office or position. All appointees serve at the pleasure of the Governor.
3. *Coordination.* The Council shall take into consideration any clean coal technology efforts by public and private entities. The Council shall stay apprised of emissions reduction technology efforts conducted by state agencies and universities.
4. *Meetings.* Subject to approval of the Governor, the Council shall meet at times and locations determined by the chair.
5. *Administrative Support.* The Office of the Governor and other appropriate state agencies and state universities shall provide administrative support for the Council.
6. *Report.* The Council shall make regular reports to the Governor.
7. *Other Provisions.* The Council shall adhere to guidelines and procedures provided by the Office of the Governor. All members of the Council shall serve without compensation. Necessary expenses may be reimbursed when such expenses are in direct performance of official duties of the Council.

This executive order supersedes all previous orders and shall remain in effect and in full force until modified, amended, rescinded, or superseded by me or by a succeeding Governor.

Given under my hand this the 19th day of December, 2002.

RICK PERRY
Governor

Attested:
GWYN SHEA
Secretary of State

Filed in the office of the Secretary of State

7.3 Excerpts from Governor Rick Perry's State of the State Address, 13 February 2003*

Governor Rick Perry

Delivered early in the 78th regular session of the Texas Legislature, Governor Rick Perry's State of the State Address emphasizes his determination to reduce spending by state government and to avoid increasing current taxes or imposing new taxes. By comparing Perry's recommendations with tax legislation and appropriations for fiscal years 2004 and 2005, readers will be able to determine whether Governor Perry was successful in persuading legislators to follow his leadership.

...This is the second occasion that I have spoken on the state of our state. Two years ago I appeared before you only one month after taking office. Today I come before you under very different circumstances....

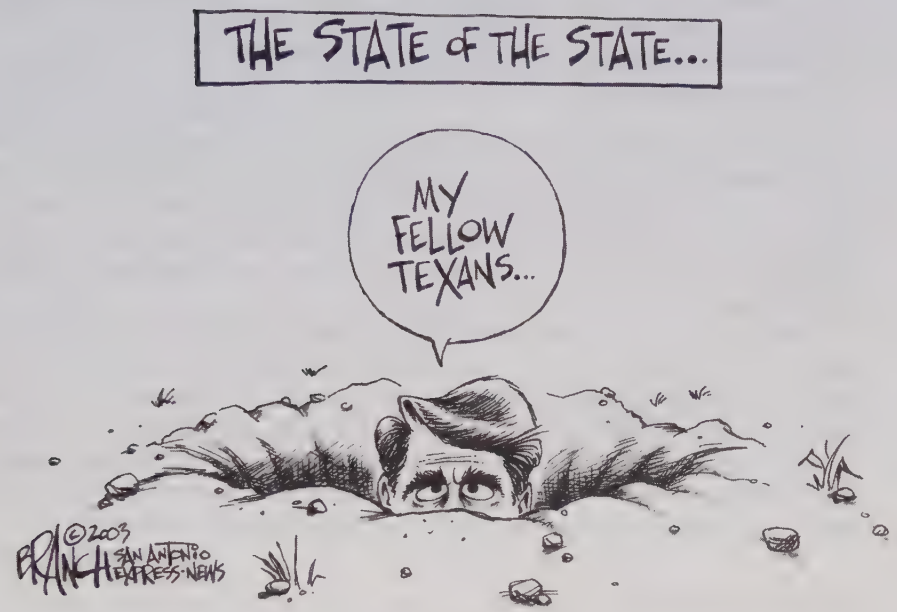
Recent Accomplishments

We've got good reason to be proud of this state. Look at what we have accomplished in the last four years. Today in Texas, we have more than one million people enrolled in our colleges and universities—the highest total ever. Fourth grade students of every background ... including our Hispanic, African-American and Anglo students ... rank in the top 10 in the nation in the subjects of reading and math. Thousands of teachers have migrated to Texas in recent years because of improved benefits.

Today in Texas, a half million children are insured under the Children's Health Insurance Program. In the last two years, Texas has added four times as much wind power capacity as any other state. And we are not only exploring the potential of renewable energy, we have sent a message to old polluters: Clean up or shut down....

We have now learned our job base will expand by the thousands, and our economy by the billions, because Toyota is coming to San Antonio.... As the international news mag-

*These excerpts amount to more than half of Governor Perry's address. Headings have been added. For the full text of this speech, see **www.governor.state.tx.us/divisions/press/speeches/speech_2003-02-11**.



Branch Cartoon © San Antonio Express-News

azine *The Economist* put it recently, "the future is Texas." The reason is clear. Among our 21 million citizens, there is a surplus of spirit, optimism and compassion. And so it is with complete confidence that I say to you today: The state of our state is strong.

Challenge and Response

But it is not the state of our state that concerns me. It is the state of our government. When I took office two years ago, economic storm clouds had only begun to form. Today those clouds cast a dark shadow over our state, and place a special burden upon our government. The fiscal challenge we face cannot be blamed on Texas families. No one can say Texans are not working hard enough, or paying enough in taxes. Just ask them. Most will tell you they are doing plenty of both.

Since 1990, our population has grown by 27 percent, and inflation has increased by 37 percent. And what has government grown by in the same period? 125 percent. We would be wise to remember a universal truth: No government has ever taxed and spent its way to greater prosperity. The challenge of our time, and the mandate of our people, require a new approach and a new direction.... We must begin by setting clear and limited priorities. And I will begin by stating my top three priorities for all of you: the education of our children, the security of all Texans, and the fiscal responsibility of our government.

- Education—because it represents the greatest investment we can make in a future of prosperity.

- Security—because the economic security of citizens, and the safety of citizens, are the core responsibilities of any government.
- And fiscal responsibility, because neither of these priorities can be met unless our spending is disciplined.

In funding the most sacred of obligations, no expenditure should be immune from inspection. We must not let the most worthwhile of programs collapse under their own weight either because spending goes uncontrolled or unquestioned. Every dollar spent by government—every line-item in the budget—must be analyzed and justified. That is why I joined the leadership of the House and Senate in offering a budget built from zero....

We should follow the example of millions of Texas families. When times are tough, they don't keep doing what they have always done, spending what they have always spent. They start from scratch. That does not mean they won't make the mortgage or rent payment, because they know they must cover the basics. But it may mean no cable TV, more meals at home, or bringing lunch to work. When ends don't meet, our families prioritize. Why shouldn't government? ...The bottom line is this: We must separate wants from needs, identify core priorities, and put the common interest ahead of narrow special interests.

Specific Suggestions

The deliberative process is in place by which members of the legislature can analyze the value of every expenditure. I respect that process. But as governor, I also have a responsibility to fight for the priorities of Texans. So today I come before you with specific suggestions to reduce our budget.

First, we can save taxpayers $1.7 billion by adopting many of Comptroller Strayhorn's innovative e-Texas ideas in recent reports. We can also save $500 million by re-directing Telecommunications Infrastructure Fund dollars to the technology allotment for schools. And in so doing, we can increase our investment to $35 per student.

I join Speaker Craddick in calling for tuition deregulation so our colleges have greater control over their dollars. In addition to any savings this may generate, it's a matter of principle. If we're going to appoint Boards of Regents, let's give them room to do the job. By estimating higher education income better, reducing special item projects, and asking community colleges to pay a proportionate share of insurance costs, we could net $1.1 billion in savings and recovered costs.

By changing the point of collection for the gas tax, we could generate an additional $300 million in revenue. By closing the Delaware loophole, and ensuring businesses render their property, we could generate $400 million more. In my book, it's not a new tax if you should have been paying it all along.

To achieve a savings of $3.8 billion, we could reduce our current appropriation levels by an average of 9 percent in the next budget, with the exception of public education, which we can increase by half a billion dollars. And this average reduction of 9 percent, compared to the reductions being achieved by agencies right now, would represent an actual increase for many of those agencies. To reach this figure, we must examine the struc-

ture, benefits and costs of programs like Medicaid. Along those lines, it is time Texas received its fair share of federal dollars to meet growing health care needs.

Today my office will be releasing a more detailed list of these savings and other ideas that bring our total savings to $9.5 billion. My friends, it can be done. We can balance our budget without raising taxes....

Now is the time to consolidate, restructure, and—when necessary—eliminate boards and agencies. We have to ask ourselves why facility leasing and space planning is performed by 162 state employees at 17 agencies when it can be done by one agency—the Texas Building and Procurement Commission. We could abolish the Aircraft Pooling Board, sell its assets and allow the private sector to perform the same job for less money. And we must ask ourselves if spending half a million dollars on a Center for Financial Responsibility is truly financially responsible.

In a time of prioritization, expenditures can't be evaluated in a vacuum, but in comparison to other items. Starting from zero, every dollar spent by government must be prioritized. A 9 percent reduction may be too much for certain critical agencies, and not enough for others....

Creating Jobs

In the last two weeks, we have learned that Hewlett Packard will transfer 475 jobs to Houston, and that Toyota will bring at least 2,000 jobs to San Antonio—in each case because of our strong business climate. But the lesson of these two success stories is not complacency—just the opposite. We must do even more to grow our economy and to avoid future economic downturns. To help grow our economy, today I am proposing the creation of a Texas Enterprise Fund. To meet the demands of a competitive marketplace, we must be nimble, aggressive and forward-looking. Today I propose investing 30 percent of the revenue projected for the Economic Stabilization Fund—roughly $390 million—into a new Enterprise Fund.

We could set aside $200 million to close the deal with companies like Toyota, recognizing that not one dollar would be spent without the guarantee of jobs and paychecks coming to Texas. We could also fund efforts to attract Nobel laureates and endowed chairs in the promising fields of technology and biotechnology. We could even fund the Border Health Institute in El Paso and the Regional Academic Health Center in the Rio Grande Valley.

We could fund these initiatives, and more, so that Texas has a stronger, more diverse foundation for the future. The best way to avert future rainy day scenarios is to grow our economy. Using the Rainy Day Fund to meet recurring obligations is short-sighted. It leaves future legislatures with a check they must write, but an account they may not be able to draw from. Investing in jobs is the wiser course for our future. And to further protect our job base, we must continue the effort to stop lawsuit abuse in Texas.

By responsibly balancing our budget, and taking innovative measures to create jobs, we will address the most urgent needs of both the present and our future. It is clear that this session will be about one dominant issue—spending. But there are other priorities I would like to discuss in brief.

For this legislative session to be a success, this legislature must take strong action to end insurance fraud, stop unfair pricing practices and lower homeowners insurance rates. We must give the Department of Transportation the tools they need to build a 21st Century transportation system that gets traffic moving, removes hazardous vehicles from our cities, reduces pollution and adds to our job base. We must pass a budget that fully meets our clean air obligations because future generations deserve nothing less. And we must not only improve water conservation, but desalinate the saltwater that splashes upon our coast each day.

With the presence of many valuable resources, and numerous points of entry, we must also remain vigilant in protecting this great state from the destructive designs of terrorist enemies. And we must reform our medical malpractice laws by passing a $250,000 cap on non-economic damages....

Education

Today I am offering a proposal called "the Education Freedom Plan." It is based on an important principle—local educators and local citizens know what's best when it comes to the education of their children. My proposal will eliminate costly mandates that stand in the way of achievement. While we have a vested interest in enforcing class size limits, and health and safety standards, there are many mandates that require needless paperwork and waste precious resources....

Schools find themselves producing paperwork on their pest management programs, their recycling efforts and their sanitation efforts. Sometimes they even generate paperwork on how to reduce paperwork. According to our school administrators and school board members, with mandate relief we can free up a minimum of $500 million for local schools and put that money where it is needed: back in the classroom....

My education plan is achievable—and even better—it's funded. It qualifies Texas for at least 400 million additional federal dollars. But in the end, the greatest dividend will not be measured in dollars spent, but in lives changed.

We must renew our commitment today to educating every child. Young Texans who abandon school drop out on their future. And they pay the price for it in terms of lost hopes and unfulfilled dreams. That's why we need a High School Completion Initiative. Funded by a mixture of federal, state and private dollars, we can replicate the model of success in our elementary schools by identifying students at risk of dropping out, and developing high school completion plans for each one of them.

Students need more choices in order to experience opportunity. Let's give our high school students numerous options for completing their coursework, such as flexible scheduling, additional tutoring and mentoring, and access to innovative learning environments like middle colleges. And let's allow parents of children stuck in sub-standard schools to choose the best school for their child—whether that school is public, private or religious. I know in this chamber there are Republicans and Democrats willing to take this step. They know what I know: When you give parents a choice—you give children a chance....

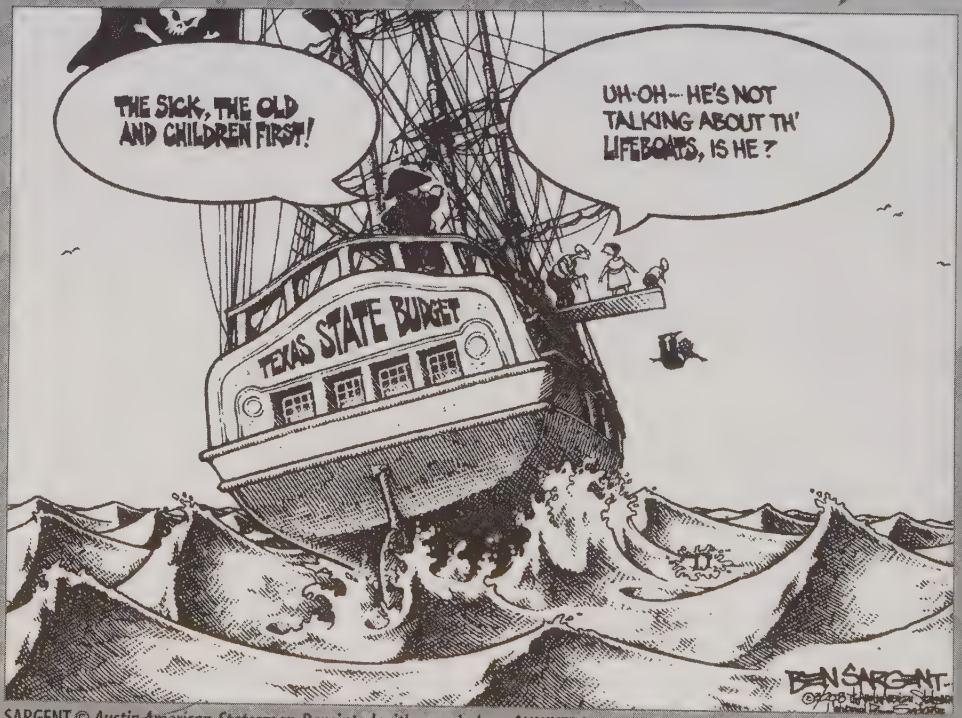
Moving Forward

For nearly 40 years of my life, I called myself a Democrat. For nearly six years, I served in this chamber as one. With a unique perspective, I have learned an important lesson: Neither party has a patent on virtue. What matters most is what is best for Texas. And my door is open to any of you who enter in good faith—not as a member of a particular side, but as a partner in good governance....

As we move forward in this new session, let us remember at all times the fundamental principle that guides our actions: Government should not limit freedom. Freedom should limit government. Let us go forward, together, in a spirit of boldness, a spirit that has defined the many generations of Texans, past and present, a spirit that will once again lead us to a better tomorrow and to that far horizon. Thank you, God bless you, and may God bless this One Texas.

Chapter 8

Public Policy and Administration



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Most of the work of Texas state government (public administration) is done by people who serve in departments headed by elected executive officials (covered in the chapter "The Executive") or who are employed by agencies that are headed by appointed boards and commissions (some of which are discussed in this chapter). Commonly called "paper shufflers" or "bureaucrats," these public servants resemble their counterparts in other states. They are bound by rules and regulations ("red tape") that often cause frustration for citizens who seek government services or who become involved with government operations for some other reasons. Bureaucratic "turf" is employment security for state workers. Furthermore, it is a power base for agency chiefs who guard their offices and, in some instances, wage fierce political battles to protect or expand their authority.

Traditionally, the governor's influence on state agencies has been limited. But in the legislature's regular session in 2003, gubernatorial control over health and human services was enhanced. More control in other areas was sought in a subsequent special session called for congressional redistricting. Nevertheless, all agency heads and employees must comply with laws and budget restrictions imposed by the Texas Legislature. (As indicated by Ben Sargent's cartoon at the beginning of this chapter, the state budget determines who will be helped or abandoned by agencies providing social services.) Gubernatorially appointed boards and commissions meet quarterly or even more frequently, but most agencies are supervised on a day-to-day basis by a hired executive director. (See Table 8.1 for important information about agencies discussed in this chapter.)

Overview of Public Policy and Administration

The focus of this chapter is twofold: how Texas treats state employees, and why four selected public policy areas—education, social services, economic regulation, and environmental protection—command large legislative appropriations and provoke much debate among politicians and citizens. The chapter also explores a new problem: homeland security. Knowledge concerning the state's personnel system and administrative agencies is essential for an understanding of how Texas government operates.

Education in public schools and public institutions of higher education, health care programs, consumer protection, and environmental safeguards touch the lives of all Texans. Teachers, health professionals, businesspersons, laborers, and farmers—as well as others—are affected in some way by policies implemented by state agencies. Indeed, the influence of these agencies extends to all who pay taxes, study for diplomas and degrees, purchase goods and services, breathe the state's air, and drink its water.

Table 8.1 Significant Data for Selected Texas State Agencies, Fiscal Year 2003

Agency	Members of Governing Body	Personnel (FTE)	Annual Salary of Director	Agency Appropriation FY 2003
Economic Development, Dept. of	9 appointed	179	$112,352	$32,766,251
Education Agency	15 elected	861	$164,748	$14,722,188,650[a]
Environmental Quality, Commission on	3 appointed	2,950	$132,000	$265,880,008
Health, Dept. of	6 appointed	5,116	$155,000	$1,471,824,436
Health and Human Services Commission	1 appointed	612	$189,000	$7,913,635,654
Higher Education Coordinating Board	18 appointed	283	$150,000	$408,544,784
Human Services, Dept. of	6 appointed	14,325	$150,000	$4,408,800,676
Insurance, Dept. of	1 appointed	1,021	$157,500	$49,246,272
Mental Health and Mental Retardation, Dept. of	9 appointed	19,718	$140,000	$1,856,189,545
Parks and Wildlife, Dept. of	9 appointed	3,036	$115,000	$241,540,354
Public Utility Commission	3 appointed	242	$92,000	$162,324,948
Railroad Commission	3 elected	784	NA[b]	$48,821,221
Transportation, Dept. of	3 appointed	14,726	$155,000	$5,167,696,627
Water Development Board	6 appointed	315	$108,000	$36,350,348
Workforce Commission	3 appointed	3,914	$125,000	$1,032,787,014

Source: Texas Session Laws 2001, 77th Legislature, Ch. 1515.
[a]Most of this money is passed on to independent school districts.
[b]The Texas Railroad Commission does not have a single executive director.

State Employees

With Internet web sites and telephone numbers (some of which are toll-free), most agencies of Texas state government are quite accessible. Many impatient citizens, however, want to interface with helpful human beings. That forces bureaucracies to hire and train personnel who are people-friendly, not just technocrats toiling at computers and shuffling papers. Unlike private-sector employees, bureaucrats are not motivated by bottom-line profits. Their agencies are politically driven, meaning that state bureaucracies are legislatively created, periodically reviewed, occasionally reorganized, but rarely abolished.

Number

State government is Texas's biggest employer. When state college and university personnel are included, over 335,000 Texans were drawing state paychecks for their full- or part-time labor in February 2003. When calculated on a "full-time equivalent" (FTE) basis, whereby two half-time workers are counted as one FTE employee, this amounted to about 134,000 state college

How Do We Compare . . . in Number of State Employees?

Full-Time Equivalent State Employees (FTE)[a] and Number per 10,000 Population

Most Populous U.S. States	Number of FTE Employees	Number per 10,000 of State Population	U.S. States Bordering Texas	Number of FTE Employees	Number per 10,000 of State Population
California	355,327	105	Arkansas	48,791	183
Florida	185,170	116	Louisiana	94,796	212
New York	250,974	132	New Mexico	47,813	263
Texas	**268,924**	**129**	Oklahoma	64,419	187

Source: *The Book of the States: 2002* (Lexington, Ky.: Council of State Governments, 2002), 396.
[a]For example, two half-time employees are counted as one full-time employee (FTE).

and university personnel and 149,000 other state employees. Due to budget cutting for fiscal years 2004 and 2005, several thousand state employees faced loss of jobs or early retirement. Each agency determines its own personnel policies, but salaries, wage scales, and other benefits are set by the legislature. A political spoils system, characterized by hiring of friends and cronies, persists. However, it has become less pervasive owing to restrictions imposed by federal grants and by affirmative action programs that pressure administrators to hire women and members of ethnic and racial minorities.

Compensation

Despite employee incentive options, state employee salaries remain low and turnover is high (nearly 15 percent in 2002). Unlike federal and some local government employees, state workers do not have civil service protections. Lack of significant salary increases also may explain a high turnover. In fiscal year 2003, as an example, a newly hired word processing operator in the Texas Department of Criminal Justice received an annual salary of $17,532, with a maximum limit of $21,744 in that compensation range, regardless of years of service.

How Do We Compare . . . in State Employee Compensation?

Monthly State Payroll and Average Monthly Pay per Full-Time-Equivalent (FTE) Employee, March 2000

Most Populous U.S. States	Monthly State Payroll	Average Monthly Pay per FTE Employee	U.S. States Bordering Texas	Monthly State Payroll	Average Monthly Pay per FTE Employee
California	$1,511,190,000	$4,253	Arkansas	$136,619,000	$2,800
Florida	$568,501,000	$3,070	Louisiana	$258,988,000	$2,732
New York	$951,088,000	$3,790	New Mexico	$131,020,000	$2,740
Texas	**$813,300,000**	**$3,024**	Oklahoma	$176,783,000	$2,744

Source: *The Book of the States: 2002* (Lexington, Ky.: Council of State Governments, 2002), 396–397.

Table 8.2 Texas Minorities and Women in Non–Higher-Education State Employment, Fiscal Year 2002

Job Category	New Hires				Agency Workforce			
	Number	Black (%)	Hispanic (%)	Female (%)	Number	Black (%)	Hispanic (%)	Female (%)
Administration	816	8.70	15.19	49.38	4,936	8.40	11.30	40.49
Administrative support	3,180	18.30	25.88	83.05	19,445	17.20	28.42	87.70
Service/ maintenance	853	20.86	28.37	38.33	6,833	23.88	26.38	39.07
Professional	8,189	19.51	22.00	61.08	56,808	15.82	21.74	59.77
Paraprofessional	4,761	27.64	24.88	63.05	22,622	28.87	24.63	73.01
Protective services	7,624	29.64	17.02	40.70	39,041	27.99	18.90	34.98
Skilled craft	457	7.65	18.59	2.84	7,403	7.67	21.63	2.97
Technical	1,356	12.24	22.05	45.79	11,580	12.72	19.87	43.13
Totals	27,237	22.78	21.50	55.48	168,668	20.09	21.99	53.99

Source: Texas Commission on Human Rights, 2002.

Women hold more than half of the non–higher education jobs in state government. Blacks and Hispanics each account for about one-fifth of state personnel. Percentages for newly hired employees indicate that this pattern is not changing. (See Table 8.2.) Lack of qualified persons to fill some high-tech positions has been a special problem, but recent downsizing in the private sector has caused more workers with high-tech skills to seek public employment.

Loyalty and good job performance are qualities of many state government employees, who often move from one agency to another but find public employment personally rewarding. Three important "perks" are paid vacations, state holidays, and sick leave. Days of paid vacation vary according to years of service. A first-year employee, for example, earns 1 day of vacation time for each month on the job, but a 25-year employee gets 2 days per month. State employees enjoy time off for 12 official holidays (for example, Labor Day), unless a holiday falls on Saturday or Sunday. In addition, there are five "skeleton crew" holidays (like San Jacinto Day), when only enough employees must be on duty to conduct state business. Also, the legislature has designated five optional holidays (such as Cesar Chavez Day), which may be taken instead of skeleton crew holidays. One day of sick leave is allowed for each month of employment.[1]

Customer Service

What people want most from their governments at every level is prompt and efficient service. Texans are no exception. Recognizing that individuals are easily angered and frustrated with lack of responsiveness from governmental agencies, Governor Ann Richards and the legislature decided to do something about the situation. Thus, the office of state ombudsman was created to help

Texans get better service from state government. Today, the Citizen's Assistance Hotline links the Governor's Office with people who need aid in obtaining service from the bureaucracy. The hotline number is 800-843-5789.

Education

In 2003, after a hearing on health problems along the Mexican border, Representative Debbie Riddle (R-Tomball) asked an *El Paso Times* reporter, "Where did this idea come from that everybody deserves free education, free medical care, free whatever? It comes from Moscow, from Russia. It comes straight out of the pit of hell." Indeed, education and social services are controversial in Texas.

Public Schools

More than 1,000 independent school districts (ISDs) shoulder primary responsibility for delivery of educational services. (See the chapter "Local Governments.") These districts are heavily influenced by ethnic/racial politics (especially within large cities) and by conservative agendas within many suburbs and rural areas. Local school board elections, rarely attracting more than 10 percent of eligible voters, are often dominated by community groups, such as local organizations of the Christian Coalition. Consequently, board members may be citizens who are mobilized to oppose or to advocate practices ranging from teaching methods to hiring of teachers.

Texas's commitment to education began with its 1836 constitution, which required government-owned land to be set aside for establishing public schools and "a University of the first class." Part of this public land was sold to raise money for these purposes. Later, framers of the Constitution of 1876 mandated an "efficient system of public free schools."[2] What continues to perplex state policymakers is how to advance public schools' efficiency while seeking equality of funding for students in districts with varying amounts and values of taxable property. (See the chapter "Revenues, Expenditures, and Fiscal Policy" for a discussion of school finance issues.)

State Board of Education Heading Texas's system of public education is the **State Board of Education (SBOE)**. Representing districts with approximately equal population (about 1.4 million), the 15 elected board members serve without salary for overlapping terms of four years. The governor appoints, with Senate confirmation, a sitting SBOE member as chair for a term of two years.

Few Texans know the name of their SBOE member. Vigorous election campaigns are conducted, nevertheless, in years when terms end or when vacancies occur. Socially conservative Republicans, motivated by national "hot-button" issues such as sex education and textbook content, gained increased (and sometimes dominant) influence within the SBOE after the 1994 election. On some issues, however, a coalition of Democrats and moderate Republicans has formed a majority to oppose the more conservative members.[3] After the

Table 8.3 Members of the Texas State Board of Education, May 2003

District	Member Name	Party Affiliation	Occupation	Residence	Began Board Service	Term Expires[a]
1	Rene Nuñez	Democrat	Real estate broker	El Paso	1989	2007
2	Mary Helen Berlanga	Democrat	Attorney	Corpus Christi	1983	2005
3	Joe Bernal	Democrat	Professor	San Antonio	1997	2007
4	Alma Allen	Democrat	Retired school administrator	Houston	1993	2007
5	Dan Montgomery	Republican	Retired teacher and coach	Fredericksburg	2001	2007
6	Terri Leo	Republican	Retired teacher	Spring	2003	2005
7	David Bradley	Republican	Real estate and insurance	Beaumont	1997	2005
8	Linda Bauer	Republican	Travel writer	The Woodlands	2003	2005
9	Don McLeroy	Republican	Dentist	Bryan	1999	2007
10	Cynthia Thornton	Republican	Rancher and retired teacher	Round Top	2001	2007
11	Patricia Hardy	Republican	School administrator	Weatherford	2003	2005
12	Geraldine Miller	Republican	Real estate broker	Dallas	1984	2007
13	Mavis Knight	Democrat	Volunteer services	Dallas	2003	2005
14	Gail Lowe	Republican	Newspaper editor	Lampasas	2003	2005
15	Bob Craig	Republican	Attorney	Lubbock	2003	2007

Source: Texas Education Agency (**www.tea.state.tx/sboe/board/index.html**).
[a]After redistricting by court order in 2001, all seats were filled by election in 2002. When the board met for its first session in 2003, lots were cast to determine which eight members received four-year terms and which seven received two-year terms.

election of 2000, and again following the election of 2002, Anglo Republicans held 10 SBOE seats and Democrats (3 Latinos and 2 African Americans) held the remaining seats. (See Table 8.3 for information on SBOE members elected in 2002.)

In January 2001, Governor Rick Perry appointed Grace Shore, a moderate Republican from Longview, to chair the SBOE, but she was defeated by Linda Bauer from The Woodlands in the Republican primary in March 2002. Contributing to Shore's defeat was the intervention of SBOE member Geraldine "Tincy" Miller and her husband, Vance Miller. Their Prestonwood Country Club PAC contributed about $26,000 for anti-Shore literature that was mailed



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to voters in Shore's East Texas district. Bauer has stated that she did not approve the mailers, one of which falsely associated Shore with Hillary Clinton. In that same year, Vance Miller contributed $50,000 to Perry's gubernatorial campaign. Early in 2003, Perry appointed Geraldine Miller as chair of the SBOE. Subsequently, the Senate confirmed this appointment by a vote of 24-6.[4] (For an editorial opposing Senate approval of Miller, see Reading 8.1, "Capital Has Been Spent, But Education Post Shouldn't Be for Sale.")

Significant SBOE powers include curriculum approval for each subject and grade, along with periodic review of textbooks for the state textbook adoption lists. The SBOE may decide whether to reject a book or to place it on either a "conforming" or a "nonconforming" adoption list. Books on both lists are required to meet physical specifications (for example, quality of binding and paper) established by the SBOE and to be free of factual errors. Critics charge that some board members have interpreted the latter requirement to mean that expressions of theories and interpretations that conflict with their views are errors.[5] (Ben Sargent's cartoon provides an exaggerated but relevant illustration of this issue.) To be included on the conforming list, a book must cover all of the essential elements in the Texas Essential Knowledge and

Skills (TEKS) curriculum for its subject and grade. Coverage of at least half of a curriculum's elements is required for inclusion on the nonconforming list.

As an incentive for local school districts to use books on these lists, the state will pay 100 percent of the cost; but the state will pay for not more than 70 percent of the cost of books not on the adoption lists. Because most districts want the state to pay the full cost, it is important for textbook publishers that their books be placed on one of the adoption lists (preferably the conforming list). Texas, California, and Florida purchase huge numbers of textbooks, and as a result publishers cater to these markets. Other states complain that their textbook options tend to be limited to those books that are published for one or more of the three big "adoption-state" markets.[6] Although Texas had a budget crisis in 2003, spending was authorized to cover new textbooks needed for academic year 2003–2004. Nevertheless, it appeared that funds would not be available to make similar purchases for academic year 2004–2005. This posed problems for publishers, as well as for teachers and students.

The SBOE's involvement with management of the state's Permanent School Fund, which was valued at about $17.5 billion in May 2003 (down from $22.5 billion in August 2000), has been another subject of controversy. In recent years, investigations by an independent auditor, the state auditor, the attorney general, and the House General Investigating Committee have all been critical of the board's handling of part of the fund. Revenue from the lease and sale of public land set aside for the support of public education, royalties from mineral production (mostly oil and gas) on these lands, and earnings from investments in stocks and bonds amount to about $700 million annually. This money is used to provide textbooks, new education technology, and additional aid to local school districts.

One SBOE practice that has been the source of special criticism has been the hiring of external portfolio managers and independent financial consultants, some with reported political ties to SBOE members, to manage part of the Permanent School Fund. Employees of the Texas Education Agency manage the remainder of the fund.[7] On 1 April 2003, the share of the Permanent School Fund under external management was reduced from 38 percent to 26 percent. Although some legislators have called for reform of SBOE procedures, others advocate eliminating the board and transferring its functions to the Texas Education Agency. Chase Untermeyer, a Houston Republican who served on the SBOE for four years, including two years as chair, has summed up the following dilemma:

> What we now have is a body with partial powers, not enough to help Texas education but sufficient to get into trouble. That is because state lawmakers have two conflicting minds with regard to the board: They lack confidence in it, but they also lack the desire to do away with it. As long as this situation continues, the board—regardless of who serves on it or how it is chosen—will take actions that upset the Legislature and the educational establishment.[8]

Certification of public school personnel—including administrators, counselors, and teachers—jointly resides with the SBOE and the 15-member State Board for Educator Certification (SBEC). The 12 voting SBEC members are appointed by the governor, and the 3 nonvoting SBEC members include a gubernatorial-appointed school of education dean, an employee of the Texas Education Agency, and an employee of the Texas Higher Education Coordinating Board. The latter two are appointed by the commissioners of education and higher education, respectively. All appointees are subject to Senate confirmation. Certification requirements, proposed by the SBEC, may be overturned by a two-thirds vote of the SBOE.

Texas Education Agency With about 1,040 local school districts administering more than 6,300 public schools, many concerned citizens question whether additional layers of educational bureaucracy are needed. Already in place at the federal level is the U.S. Department of Education, with nearly 5,000 employees. In the Lone Star State, the **Texas Education Agency (TEA)**, headquartered in Austin, is staffed with more than 800 full-time employees. Created by the legislature in 1949, TEA today is organized into six administrative units headed by the commissioner of education, who is appointed by the governor to a four-year term with Senate confirmation. TEA accredits schools for more than 4 million students. Also, it oversees grade-promotion testing of elementary and secondary school students, grants waivers to schools seeking "charter" status and exemptions from certain state regulations, administers part of the Permanent School Fund, and supervises the Foundation School Program, which allocates state money to independent school districts. Whenever a local school district fails to meet state standards, TEA officials are permitted by law to assume control of that district temporarily, after approval by the U.S. attorney general, until acceptable reforms are instituted.

Charter Schools In 1996, the State Board of Education began issuing charters to schools that are not part of an ISD. In fiscal year 2003, a charter school received $4,500 in state money for each student. Other money must be obtained from private sources. Drawing students from across school district lines, charter schools are exempt from some state regulations (including teacher-certification requirements), serve special groups (such as urban low-income students), and practice various teaching strategies. Responding to complaints about some charter schools, the 77th Legislature passed H.B. 6, authored by Representative Jim Dunnam (D-Waco). This 2001 law strengthens SBOE supervision and imposes a limit of 215 charters. Not limited is the number of charters for schools operated by public universities, such as the East Austin school that was opened by the University of Texas at Austin in 2003.

Testing Educators are sharply divided about how to assess student progress and determine graduation standards. After its inception in 1990, the Texas Academic Assessment of Skills (TAAS) drew cries of protest from many parents

and educators. Social conservatives argued that this legislative-mandated testing program intruded excessively into local school operations, while African American and Latino critics charged that the tests were discriminatory. The TAAS was administered as an exit-level test to qualify students for high school graduation, and the Texas Education Agency rated districts and schools on their students' overall TAAS scores. In 2003, following more than a decade of use, the TAAS was replaced by the **Texas Assessment of Knowledge and Skills (TAKS)**. This new testing program was developed as a better measure of students' mastery of the Texas Essential Knowledge and Skills (TEKS), which is a core curriculum mandated by the legislature. In March 2003, the passing score on the third-grade TAKS reading test was 55.6, and higher minimum scores were planned for subsequent years. About 89 percent of Texas third graders passed the March test on their first attempt. According to state law, a student who fails to pass the test on three attempts must repeat the third grade. Similar penalties are imposed in higher grades before a student can enter high school. For 11th-graders, the TAKS is an exit-level test that covers language arts, mathematics, science, and social studies. Passing grades in all four areas are required for a diploma upon completion of the 12th grade, but failing students are allowed to retake tests even after leaving school.[9]

Colleges and Universities

Unlike public schools and community colleges with their local property taxes, Texas's 35 state-supported universities, along with health science centers (including medical schools), must obtain financial support through a combination of legislative appropriations, student tuition and fees, private donations, federal grants-in-aid, and research contracts. (See the chapter "Revenues, Expenditures, and Fiscal Policy" for more on higher education funding issues.) Although public two-year colleges in the state's 50 community college districts are partially funded by districtwide property taxes, these colleges also compete with public universities, technical colleges, and medical schools for state money. (See Table 8.4 for data concerning state financing and enrollments at state universities, health-related institutions, and technical colleges; see Table 8.5 for similar data for public community colleges.)

Most educators contend that money alone will not solve every academic problem, but studies show that well-financed universities tend to:

- Attract more talented and gifted students
- Recruit and retain higher percentages of nationally recognized professors
- Graduate the nation's most successful and famous business executives, physicians, engineers, lawyers, politicians, and scientists

Reports released in 2000 and 2002 by the nonpartisan National Center for Public Policy and Education indicate that the Lone Star State does not compare favorably with most states in educating students after high school.[10]

Table 8.4 Texas Public Universities, Health-Related Institutions, and Technical Colleges: State Appropriations (Fiscal Year 2003) and Enrollments (Fall 2002)

Systems, Institutions, and Locations	State Appropriations (Budgeted State Funding for September 1, 2002, through August 31, 2003[a])	Enrollments (Preliminary Headcount for Fall 2002[b])
Texas A&M University System Administration	$609,467	
Prairie View A&M Univ., Prairie View	$53,449,310	7,262
Tarleton State Univ., Stephenville	$36,446,507	8,334
Texas A&M Univ. International, Laredo	$33,388,991	3,038
Texas A&M Univ., College Station	$286,163,727	45,143
Texas A&M Univ. at Galveston	$13,659,041	1,576
Texas A&M Univ.—Commerce	$38,405,283	8,488
Texas A&M Univ.—Corpus Christi	$45,767,589	7,684
Texas A&M Univ.—Kingsville	$39,738,814	6,556
Texas A&M Univ.—Texarkana	$9,554,055	1,367
West Texas A&M Univ., Canyon	$33,782,316	6,814
Texas A&M Univ. System Health Sciences Center, College Station	$63,187,583	1,050
Texas State University System Administration	$1,337, 512	
Angelo State Univ., San Angelo	$31,966,945	6,268
Lamar Univ., Beaumont	$39,138,957	9,803
Lamar Institute of Technology, Beaumont	$10,660,471	2,422
Lamar State College—Orange	$7,701,797	1,977
Lamar State College—Port Arthur	$10,645,547	2,444
Sam Houston State Univ., Huntsville	$55,365,977	13,079
Southwest Texas State Univ., San Marcos[c]	$93,185,739	25,041
Sul Ross State Univ., Alpine	$17,324,447	1,955
Sul Ross State Univ.—Rio Grande College, Uvalde	$6,133,243	905
Texas Tech University System Administration	$508,000	
Texas Tech Univ., Lubbock	$147,406,765	27,569
Texas Tech Univ. Health Sciences Center, Lubbock	$91,978,016	1,976
University of Houston System Administration	$2,538,730	
Univ. of Houston	$182,718,828	34,443
Univ. of Houston—Clear Lake	$36,271,437	7,754
Univ. of Houston—Downtown	$30,040,532	10,528
Univ. of Houston—Victoria	$11,667,904	2,183
University of North Texas System Administration	$100,000	
Univ. of North Texas, Denton	$129,056,435	30,193
Univ. of North Texas Health Science Center at Fort Worth	$46,714,032	964
University of Texas System Administration	$8,115,392	
Univ. of Texas at Arlington	$108,600,775	23,821
Univ. of Texas at Austin	$353,339,131	52,273
Univ. of Texas at Brownsville	$20,415,541	3,545
Univ. of Texas at Dallas	$73,869,193	13,219
Univ. of Texas at El Paso	$77,350,131	17,232
Univ. of Texas—Pan American, Edinburg	$60,923,189	14,391
Univ. of Texas of the Permian Basin, Odessa	$15,867,679	2,705

(continued)

Table 8.4 Continued

Systems, Institutions, and Locations	State Appropriations (Budgeted State Funding for September 1, 2002, through August 31, 2003[a])	Enrollments (Preliminary Headcount for Fall 2002[b])
Univ. of Texas at San Antonio	$87,578,785	22,016
Univ. of Texas at Tyler	$24,032,832	4,253
Univ. of Texas Health Science Center at Houston	$156,296,125	3,335
Univ. of Texas Health Science Center at San Antonio	$137,420,116	2,769
Univ. of Texas M.D. Anderson Cancer Center, Houston	$939,319,079	59[d]
Univ. of Texas Medical Branch at Galveston	$467,761,224	1,187
Univ. of Texas Southwestern Medical Center at Dallas	$141,226,194	1,638
Public Universities Not Within a System		
Midwestern State Univ., Wichita Falls	$24,148,850	6,235
Stephen F. Austin State Univ., Nacogdoches	$52,961,232	11,356
Texas Southern Univ., Houston	$57,242,589	9,739
Texas Woman's Univ., Denton	$57,379,289	8,736
Texas State Technical College System Administration	$2,514,362	
T.S.T.C.—Harlingen	$20,433,004	4,217
T.S.T.C.—Marshall	$4,737,052	606
T.S.T.C.—Waco	$31,568,522	4,237
T.S.T.C.—West Texas (campuses at Abilene, Breckenridge, Brownwood, and Sweetwater)	$13,288,807	1,661
Totals	$4,543,003,180	474,156

[a]*Texas Session Laws 2001, 77th Legislature,* Ch. 1515. Appropriations do not reflect reductions for the spring and summer of 2003 that were made because of a state budget shortfall.
[b]Texas Higher Education Coordinating Board.
[c]Name changed to Texas State University—San Marcos by the 78th Legislature in 2003.
[d]M.D. Anderson offers B.S. and certificate programs in medical dosimetry, which concerns dose calculation for radiation oncology.

Texas's grades on these higher-education report cards were all Cs and Ds. After examining the 2000 report card, one journalist concluded: "The upshot is that Texas students arrive on campus poorly prepared, especially in math, don't go to college in sufficient numbers, pay too much of their family's income if they do go, graduate too slowly or not at all, and then join a Texas work force with too few college graduates to compete nationally."[11]

Texas Higher Education Coordinating Board Wanting to provide some semblance of statewide direction for all community colleges and public universities, then-governor John Connally proposed a new state board in 1965. State lawmakers responded by creating the 18-member **Texas Higher Education Coordinating Board**. Its nonsalaried members are appointed by the governor to six-year terms with Senate approval. Gubernatorial power also extends to designating two board members as chair and vice chair, with neither appointment requiring Senate confirmation. When Governor George W. Bush elevated Pam Willeford, an Austin oil executive, to chair the board in

Table 8.5 Texas Public Community/Junior Colleges: State Appropriations (Fiscal Year 2003) and Enrollments (Fall 2002)

Institution and Location (Number of Colleges or Campuses)	State Appropriations (Budgeted State Funding for September 1, 2002, through August 31, 2003[a])	Enrollments (Preliminary Headcount for Fall 2002[b])
Alamo Community College District, San Antonio (4)	$60,155,716	44,460
Alvin Community College, Alvin	$8,216,694	4,174
Amarillo College, Amarillo	$17,491,043	9,229
Angelina College, Lufkin	$8,217,684	4,976
Austin Community College, Austin	$38,679,377	29,166
Blinn College, Brenham (and Bryan)	$20,406,965	13,809
Brazosport College, Lake Jackson	$6,263,026	4,099
Central Texas College, Killeen	$17,993,187	10,154
Cisco Junior College, Cisco	$4,423,150	2,965
Clarendon College, Clarendon	$2,318,375	971
Coastal Bend College, Beeville	$7,032,624	3,479
College of the Mainland, Texas City	$6,351,197	3,627
Collin County Community College District (6)	$21,788,187	15,970
Dallas County Community College District (7)	$86,990,083	56,304
Del Mar College, Corpus Christi	$19,098,188	11,216
El Paso County Community College District (5)	$32,261,929	21,321
Frank Phillips College, Borger	$2,436,909	1,336
Galveston College, Galveston	$5,284,284	2,302
Grayson County College, Denison	$6,386,077	3,574
Hill College, Hillsboro	$5,366,171	2,930
Houston Community College System (5)	$66,641,337	35,149
Howard County Junior College District (4)	$10,176,281	2,780
Kilgore College, Kilgore	$11,438,851	4,593
Laredo Community College, Laredo	$12,922,951	7,765
Lee College, Baytown	$11,104,988	6,553
McLennan Community College, Waco	$11,534,385	6,565
Midland College, Midland	$9,040,101	5,049
Navarro College, Corsicana	$8,926,748	5,058
North Central Texas College, Gainesville	$7,373,566	6,166
North Harris Montgomery Community College District (5[c])	$39,072,888	32,833
Northeast Texas Community College, Mount Pleasant	$2,201,117	2,423
Odessa College, Odessa	$8,833,580	4,949
Panola College, Carthage	$3,578,128	1,694
Paris Junior College, Paris	$6,459,205	3,659
Ranger College, Ranger	$2,318,375	894
San Jacinto Community College District, Pasadena and Houston (3)	$36,747,063	23,047
South Plains College, Levelland	$13,400,195	9,131
South Texas Community College, McAllen	$19,463, 483	13,720
Southwest Texas Junior College, Uvalde	$6,214,244	4,335
Tarrant County Community College District (5)	$40,228,007	32,829
Temple College, Temple	$6,312,297	3,676
Texarkana College, Texarkana	$8,998,778	3,895

(continued)

Table 8.5 Continued

Institution and Location (Number of Colleges or Campuses)	State Appropriations (Budgeted State Funding for September 1, 2002, through August 31, 2003[a])	Enrollments (Preliminary Headcount for Fall 2002[b])
Texas Southmost College, Brownsville	$11,640,122	7,777
Trinity Valley Community College, Athens	$10,515,602	5,214
Tyler Junior College, Tyler	$16,195,891	8,947
Vernon College, Vernon	$5,613,313	2,526
Victoria College, Victoria	$7,583,090	4,029
Weatherford College, Weatherford	$5,359,961	3,605
Western Texas College, Snyder	$2,786,282	1,652
Wharton County Junior College, Wharton	$8,083,378	5,775
Totals	$787,924,473	502,350

[a]*Texas Session Laws 2001, 77th Legislature,* Ch. 1515. Appropriations do not reflect reductions for the spring and summer of 2003 that were made because of a state budget shortfall.
[b]Texas Higher Education Coordinating Board.
[c]Cy-Fair College began full operations in Fall 2003 (Fiscal Year 2004).

1999, she became the second woman in board history to hold that position. (In January 2003, she served as chair for the committee that organized, and raised money for, the inaugural celebration honoring Governor Perry and Lieutenant Governor Dewhurst.) The coordinating board approves or disapproves proposals for new academic programs, degrees, universities, university centers, community colleges, and technical colleges.

Boards of Regents In Texas, a variety of public institutions of higher education function independently or within systems composed of two or more institutions. Boards of regents for each of four independent state institutions and for six systems are appointed by the governor for six-year terms, with Senate approval. The public university systems (with the numbers of member universities within parentheses) are as follows: University of Texas (15), Texas A&M University (11), University of Houston (4), University of North Texas (3), Texas Tech University (2), and Texas State University, which does not have a central campus (5). Four other state universities (Midwestern, Stephen F. Austin, Texas Southern, and Texas Woman's) are not included within any university system. The state-supported Texas Technical College System is composed of colleges at Harlingen, Marshall, and Waco, along with West Texas Technical College, which has campuses at Abilene, Breckenridge, Brownwood, and Sweetwater. These technical colleges offer a wide variety of courses ranging from meat cutting to laser technology. (See Reading 8.2, "Schools of Hard Knocks," for an account of the special need for expansion of higher education facilities in South and Southwest Texas.)

The Bakke and Hopwood Cases African Americans and Latinos in Texas continue to struggle for more college degrees. Racial segregation barriers in

tax-supported colleges and universities did not start to fall until 1950, when the University of Texas Law School admitted an African American applicant under federal court order.

Responding to pressure from interest groups representing racial and ethnic minorities and women, governments at all levels began to establish affirmative action programs in the 1960s. One such program was designed to increase enrollment of Latinos, African Americans, Asian Americans, and Native Americans in the medical school of the University of California at Davis. Alan Bakke, a non-Hispanic white, was denied admission in 1973 and 1974, although educationally "disadvantaged students" with lower test scores and grade-point averages were admitted each year to 16 specially created slots in a class of 100. These slots were not open to white applicants. Complaining of reverse discrimination in violation of the Civil Rights Act of 1964, Bakke sued the university. After hearing this case, *University of California Regents* v. *Bakke* (1978), the U.S. Supreme Court ruled for Bakke. But Justice Lewis Powell, author of the controlling opinion, noted that race could be considered as one factor along with other criteria to achieve diversity in enrollment.[12]

In 1992, Cheryl Hopwood and three other non-Hispanic whites sued the University of Texas after having been refused admission to its law school. They complained of discrimination because applicants were selected from separate admission pools based on race and ethnicity. In *Hopwood* v. *Texas*, a federal district judge in Austin declared the law school's admission policy unconstitutional, and this ruling was upheld in 1996 by a three-judge panel of the U.S. Fifth Circuit Court of Appeals in New Orleans. In a 2-1 decision, the majority asserted, "Justice Powell's argument in *Bakke* garnered only his vote and never represented the view of a majority." And they explained that the U.S. Supreme Court, in cases after *Bakke*, "appears to have decided that there is essentially only one compelling state interest to justify racial classifications: remedying past wrongs."[13] After the U.S. Supreme Court refused to review the circuit court's decision, Texas attorney general Dan Morales issued an opinion prohibiting consideration of racial or ethnic factors by the state's colleges and universities in admitting students or granting financial aid and other benefits.[14]

Further lower-court litigation related to *Hopwood* kept the case alive as minority enrollment in the University of Texas Law School dropped and other Texas institutions of higher education experienced difficulty recruiting minority students—some of whom were attracted by affirmative action programs in states where the Fifth Circuit Court's restrictions did not apply.[15] At the same time, Latino and African American voters became more important in deciding the outcome of Texas elections, and the Lone Star State's minority population (especially Latinos) registered a significant increase according to the federal census of 2000. Thus, in April 2001, Texas petitioned the U.S. Supreme Court for a second time to review *Hopwood*. In this petition, Attorney General John

Cornyn admitted that the state's education system "has a long history of discrimination against minorities." While expressing belief that Texas "has rid itself of overt discriminatory practices," he explained that "vestiges of past discrimination remain."[16] In June 2001, the Supreme Court refused to review this Texas case. In June 2003, however, the court ruled in *Grutter* v. *Bollinger* that the University of Michigan's law school could use race as one factor in an admissions policy designed to achieve student body diversity. At the same time, in *Gratz* v. *Bollinger,* the court condemned the University of Michigan's policy of giving one-fifth of the points needed to guarantee admission to every single "unrepresented minority" seeking admission to its undergraduate college. In the years ahead, both the *Grutter* and *Gratz* rulings will provide guidance to legislators and university officials as they formulate admissions policies for Texas's institutions of higher education.

After *Hopwood*, pressure from Texas minority groups resulted in private and public initiatives to counter the impact of that court decision. In 1997, for example, Texas legislators mandated that 10 percent of every high school graduation class be admitted to tax-supported schools of their choosing, regardless of test admission scores.[17] In addition, the Texas Grants Program (discussed in the chapter "Revenues, Expenditures, and Fiscal Policy") is intended, in part, to benefit low-income minority students.

Social Services

When President Bill Clinton signed a Republican-crafted welfare reform bill in 1996, most conservatives applauded, but many liberals felt betrayed. Clinton promised to "end welfare as we know it," but many Democrats charged that he wooed middle-class voters at the expense of poverty-stricken teenage mothers and children—all for presidential politics.

Following then-governor Bush's lead, Texas was already implementing its own welfare reforms when the federal welfare reform bill was enacted. Bush pledged in both of his 1994 and 1998 gubernatorial campaigns to move people into jobs and away from public assistance. Later, Governor Perry made the same pledge. The welfare reform legislation of 1996 is an example of devolution, the process whereby states (rather than the federal government) assume primary responsibility for administering and financing government programs.

Social services include much more than governments handing out money. Politicians' most underserved constituencies include persons suffering from old-age infirmities, inadequate health care, malnutrition, physical disabilities, mental illness, and life-threatening diseases such as AIDS. But most needy persons are not organized to compete with special-interest groups and their high-powered lobbyists. Nevertheless, the Lone Star State has responded with social service agencies that provide assistance for millions of needy Texans.

In 1991, at former governor Ann Richards's urging, the Texas Legislature created the Health and Human Services Commission as an umbrella office for coordinating the policies of several social service agencies. In 2003, the legislature consolidated functions of 12 health and human services agencies under the **executive commissioner of the Health and Human Services Commission.** Advisory councils replaced agency boards, and rule-making power was centralized in the commission. Agency functions were given to four departments, each headed by a commissioner: State Health Services, Family and Protective Services, Assistive and Rehabilitative Services, and Aging and Disability Services. The executive commissioner, who is appointed by the governor with the consent of the Senate, appoints the four commissioners with the consent of the governor.

Human Services

Central to the ongoing debate about dependency on government is the problem of how to provide workfare instead of welfare. Removing people from public assistance programs without adequate financial and emotional support only invites more crime, family violence, and other social problems that are even harder to resolve, financially and otherwise.

The Department of Assistance and Rehabilitative Services is responsible for administering current welfare programs, including the **Temporary Assistance for Needy Families (TANF)** program. It provides limited support for poor families with income below the poverty level, which was $18,650 for a family of four early in 2003. At that time, a caretaker (usually a parent) with three children could receive TANF support amounting to $256 per month for a maximum of three years. Caretakers must sign a "personal responsibility agreement" forcing them either to work or to enroll in a job training program. Children may continue to receive benefits if their caretaker seeks work but fails to find employment. Caretakers must be U.S. citizens or legal residents.

Beginning in 1997, federal law replaced the national-state funding of **Medicaid** with block grants to the states. Part of President Lyndon B. Johnson's Great Society initiatives in the 1960s, Medicaid is designed to provide medical care for persons falling below the poverty line. Tangible resources not counted against the poverty-level limit are homesteads, personal possessions, and (in 2003) a second motor vehicle worth up to $4,650. Not to be confused with Medicaid is **Medicare**, another Great Society initiative. A federal program providing medical assistance to qualifying applicants age 65 and older, Medicare is administered by the U.S. Department of Health and Human Services without use of state funds.

The Department of Assistance and Rehabilitative Services administers the federally funded Food Stamp Program. This program makes food available to elderly or disabled people, families, and single adults who qualify because of low income. About 80 percent of those who benefit from food stamps do not receive TANF support. Benefits vary, depending on income and the number of

people in a household. In mid-2003, for example, a qualified household composed of four people with a maximum combined income of $1,961 could obtain groceries costing up to $465 each month. Paper stamps are no longer used for such purchases. Instead, a plastic "Lone Star Card," which resembles a credit or debit card, is used.

Health

The Department of State Health Services performs a wide variety of functions, including public health planning and enforcement of state health laws. As with public assistance, state health policies are closely tied to several federal programs. One example is the Women, Infants, and Children (WIC) Program, a delivery system for food packages, nutritional counseling, and health care screening. Parts of the federal Medicaid program are administered by the Department of State Health Services.

Because diseases are a constant threat to human life and a drain on the economy, the Department of State Health Services is responsible for educating Texans about infectious diseases. Significant resources are invested in making the public aware of high-risk behavior that spreads sexually transmitted diseases. **Acquired immunodeficiency syndrome (AIDS)**, the principal killer of men in their thirties, is unrivaled as a public health problem. Caused by the deadly human immunodeficiency virus (HIV) and commonly transmitted by sexual contact (both homosexual and heterosexual) and contaminated needles used by drug addicts, AIDS is an international epidemic. Texas trails only New York, California, and Florida in numbers of cases. During the two years between January 2001 and January 2003, the cumulative total of HIV/AIDS cases reported in Texas increased from about 57,000 to more than 60,000. A related health problem is the 120,000 cases of sexually transmitted diseases other than HIV/AIDS that are reported in Texas each year. Persons between 15 and 24 years of age account for about two-thirds of this total, but it is common knowledge that many cases are not reported by personal physicians.

Mental Health and Mental Retardation

Specialists treating persons overwhelmed by emotional problems often cite stressful, urban lifestyles as precipitating factors. Financial pressures, combined with family breakups, are causing record numbers of social problems that are not confined to any one socioeconomic group. For persons unable to afford private therapy, the Texas Department of State Health Services provides public mental health programs, but many people must wait years before receiving treatment in a mental health facility. As a result, many mentally ill Texans are detained in jails. About 20,000 state employees are involved in providing mental health services throughout Texas.[18]

Supervised locally by county commissioner-appointed boards, 35 mental health community centers handle most cases of mental illness. Although these local mental health units receive some state funding, more than 50 percent of their operations is financed from county budgets.

Employment

In 1995, the state legislature consolidated several job training programs under the **Texas Workforce Commission** (TWC). This state agency is directed by three salaried commissioners who are appointed by the governor, with consent of the Senate, for overlapping six-year terms. The commission chair is paid $111,800 per year, and the salary for the other two commissioners is $109,200. One member represents employers, one is a representative of labor, and one represents the general public. The TWC collects an employee payroll tax that is paid by employers. This tax provides revenue used for weekly benefit payments to unemployed workers who are covered by the Texas Unemployment Compensation Act. The amount paid depends on wages earned in an earlier quarter (three months). In 2003, the maximum weekly compensation was $228 and the minimum was $52.

Texas's welfare reform program emphasizes local responsibility for employment training. Twenty-eight regional boards cover Texas's 254 counties, assisting welfare recipients and others in finding jobs. Each of the regional boards, composed of local business and labor representatives, is authorized to hire job training companies through a competitive bidding process.

Economic Policies

Have you ever complained about a high telephone bill, a big automobile insurance premium, or the cost of a license to practice a trade or profession for which you have been trained? Welcome to the Lone Star State's regulatory politics! For businesses seeking to boost profits or professional groups trying to strengthen their licensing requirements, obtaining changes in regulations can be costly but also rewarding. Less organized consumers and workers often believe that they are left to pick up the tab for higher bills and fees, and, on occasion, inferior service. What follows is a description of policies implemented by two state regulatory agencies.

Business Regulation

The Texas Railroad Commission (RRC) and the Public Utility Commission (PUC) are among the most publicized state agencies. This is because the former regulates the oil and gas industry, which has a declining but still important influence on the Texas economy, and the latter affects the telephone and electric power bills paid by millions of Texans.



Texas Railroad Commissioners: Victor G. Carillo (Abilene); Michael L. Williams, chair (Midland); and Charles R. Matthews (Garland) (Courtesy Texas Railroad Commission)

Oil and Gas Texas does not have an energy department, much less a state-funded agency with a title that identifies it as a regulator of either the oil or the natural gas industries. Instead, the three popularly elected **Texas Railroad Commission (RRC)** members function in several capacities, most of which have nothing to do with railroads. Today, the commission no longer "busts" railroad monopolies; rather, the RRC is primarily involved in granting permits for drilling oil and gas wells and performing other regulatory duties designated by the legislature. For example, appeals of municipally set gas rates for residential and business customers must be heard by the RRC. Other important functions of this agency include preventing waste of valuable petroleum resources, ensuring the safety of pipelines, and overseeing the plugging of depleted or abandoned oil and gas wells. According to the public information office of the commission, it has not implemented the policy of deregulation as described later for the Public Utility Commission.

Public Utilities State regulation of Texas's utility companies did not begin until 1975 with the creation of the **Public Utility Commission (PUC)**. Its three members are appointed by the governor to overlapping six-year terms, with Senate approval. From PUC's inception, consumers have grumbled that they are outspent and outmaneuvered by giant corporations (for example, TXU

and Southwestern Bell) in complex proceedings concerning electrical power and telephone rates. The state-funded Office of Public Utility Counsel represents consumers and small businesses at PUC hearings.

PUC's responsibility for overseeing telecommunications within Texas is limited by national policies. Federal law allows the Federal Communications Commission (FCC) to preempt state regulation of telephone companies. Ultimately, determining whose regulations apply is a matter for courts to decide.

Today, the operations of the Public Utility Commission exemplify what has been happening in recent years to regulatory policies nationwide. Business practices formerly controlled by rules made by government agencies are now governed more by market conditions. This industry-backed policy is termed **deregulation**. Its objective is to free businesses from governmental restraints and to depend largely on competition to protect the public interest.

Beginning in 1995, the Texas Legislature has caused PUC to shift from setting rates charged by telephone companies to a policy of deregulation that emphasizes competition. Allowing consumers to choose their supplier of telephone service is expected to result in reasonable telephone bills and reliable service from companies that must compete for customers.

Deregulation of Texas's electric power industry is based on a combination of rate control and consumer choice. Under terms of the Texas Electric Choice Act of 1999, for example, rates charged by existing investor-owned power providers (like Dallas-based TXU for the North Texas area and Houston-based Reliant Energy HL&P for Southeast Texas) were frozen from 1 September 2000 until 1 January 2002. Then rates were dropped 6 percent for at least five years or until a provider loses 40 percent of its customers to competitors. In addition, on the first day of January 2002, consumers became free to switch to any competing retail electric provider (REP) offering a better deal. (See Figure 8.1.)

Examples of REPs listed with their rates on the PUC web site (**www.puc.state.tx.us**) are First Choice Power and Green Mountain Energy Company. Also, at the start of 2002, each existing provider became free to compete as an REP in other areas. Regardless of consumer choice, an existing provider continues to own and maintain lines for transmitting and distributing electric power, and it collects fees from REPs for running their electricity through these lines. Thus REPs operate much like competing telephone companies (for example, MCI and Sprint) that use lines owned by Southwestern Bell.[19] Power plants with turbines that are fired with natural gas generate about 70 percent of Texas's electricity. Consequently, higher gas prices increase the cost of producing electricity, and this added expense can be passed on to consumers. In March 2003, for example, PUC gave TXU a 12 percent rate increase.[20]

Insurance The commissioner of insurance, who heads the Texas Department of Insurance, regulates the more than $70 billion insurance industry in the Lone Star State to some degree. The Office of Public Insurance Counsel represents consumers in rate disputes. At the beginning of 2003, however, Texans owning homes and automobiles were paying the highest insurance

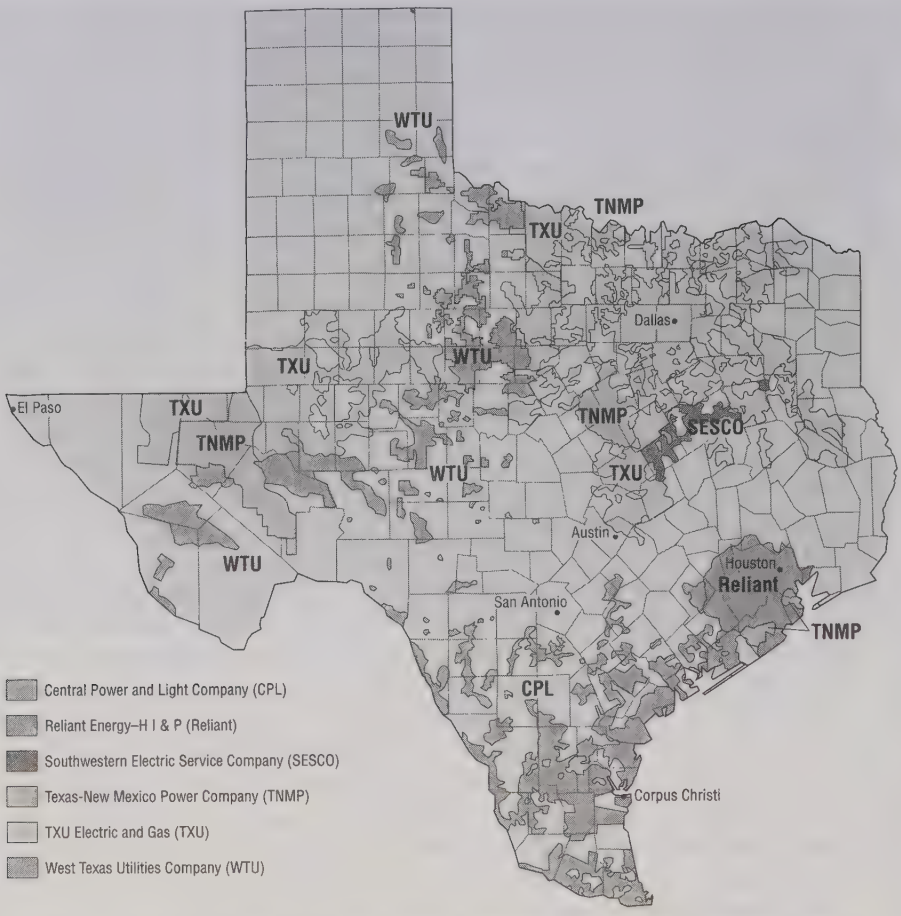


Figure 8.1 Customer Choice Areas for Retail Electric Power Providers in Texas as of 1 January 2002.

rates in the country. At that time, rates for 95 percent of homeowners and 30 percent of automobile owners were unregulated and were rising rapidly. Three causes for the state's insurance crisis were commonly cited:

- The many claims resulting from black mold damage to buildings (commonly attributed to climatic conditions, water leaks, and selection of construction materials).
- The insurance company investments that turned sour when the stock market tumbled after the terrorist hijackings in September 2001 and the widely publicized scandals involving Enron and other major corporations.
- The insurance companies' practice of switching homeowners and drivers from standard rate-regulated policies to policies with unregulated rates.



Texas Insurance Commission Commissioner José Montemayor (left) confers with Kim Stokes (middle), Senior Associate Commissioner of Life/Health and Licensing, and Rhonda Myron (right), Associate Commissioner for Governmental Relations. *(Dana Palmer, Texas Department of Insurance)*

In response to a public outcry against high insurance rates, Governor Perry declared insurance reform to be an emergency matter requiring fast action by the 78th Legislature. Although the Senate and the House moved slowly, a law was enacted that gives the commissioner of insurance authority to regulate all home insurers doing business in Texas. Beginning in July 2003, insurance companies are required to file rates and rate-setting policies with the Department of Insurance. Then the insurance commissioner decides whether the rates and any subsequent increases are appropriate. Auto insurers are subject to similar treatment.

On December 1, 2004, Texas will change to a largely deregulated "file-and-use" system for auto and homeowners insurance. Insurers will be free to set their rates, but the commissioner of insurance is authorized to order reductions and refunds if rates are determined to be excessive. This system is expected to produce reasonable rates by promoting competition among insurance companies. But it remains to be seen whether the results will be significant competition, lower premiums, and more satisfied consumers.

Customers may shop for automobile and homeowner insurance by calling a toll-free number from outside of Austin (800-599-SHOP) or by calling

305-7211 within the capital city. Rate guides are found on the web site of the Texas Department of Insurance.

Business Promotion

Some cynical observers contend that the business of Texas government is business. Others argue that boosting business strengthens the Texas economy and creates jobs that benefit the lives of all Texans. State agencies in at least three policy areas—transportation, tourism, and licensing—are administered to promote and protect economic interests.

Points to Ponder

Texas has only 138 miles of toll roads, but motorists drive without charge on

- 78,671 miles of city streets
- 142,367 miles of county roads
- 79,361 miles of state-maintained roads and highways that include:
 - 40,991 miles of farm-to-market roads
 - 16,166 miles of state highways
 - 12,109 miles of U.S. highways
 - 6,526 miles of frontage roads
 - 3,233 miles of interstate highways
 - 336 miles of park roads

Source: Texas Department of Transportation, *Annual Summary,* 2002.

Highways More than 79,000 miles of state highways were constructed and are maintained by the Texas Department of Transportation (TXDOT). This agency is headed by a three-member commission appointed by the governor, with Senate concurrence, to six-year overlapping terms. Drawing no state salary, each commissioner must be a "public" member without financial ties to any company contracting with the state for highway-related business.

Texans are in love with their personal vehicles, and most of them want more highways. But some Texans want better rail transportation, too. In 2003, the 78th Legislature enacted the Trans Texas Corridors plan pushed by Governor Perry. When completed, it will provide a 4,000-mile network of toll roads, utility lines, and rail lines. Meanwhile, vehicle traffic on existing highways grows more congested and dangerous. With more than 18 million motor vehicles, Texans experience ever-longer traffic delays that cause air pollution and cost billions of dollars each year. Contributing greatly to the state's highway problems is the rising volume of NAFTA-related trucking that increases in intensity near cities on the Mexican border.[21] Part of the cost of Texas's overcrowded highways is an annual death toll of more than 3,500 drivers and passengers, although half of these fatalities are alcohol related.

Tourism and Trade Responsibility for preserving Texas's natural habitats and for providing public recreational areas lies with the **Texas Parks and Wildlife Department**. The nine members of its governing commission are appointed on a statewide basis by the governor with senatorial approval. The governor also designates the chair of the commission. The commission sets fees for fishing and hunting licenses and entrance fees for state parks. The department's game wardens enforce state laws and departmental regulations that apply to hunting, fishing, and boating activities.

The Texas Parks and Wildlife Department allows beer companies (but not tobacco companies since 2001) to advertise in its publications and to sponsor departmental projects. For example, Anheuser-Busch has made continuing contributions totaling more than $1.5 million to the Budweiser ShareLunker Program of the Texas Freshwater Fisheries Center at the state hatchery in Athens. Code named Operation World Record, the program stocks millions of specially bred largemouth bass in Texas ponds and lakes, with the hope that some will grow bigger than the record holder caught in Georgia in 1932 (22 pounds, 4 ounces). Bass enthusiasts spend more than $1 billion each year on fishing in the Lone Star State. Big bass encourage big spending and boost Texas's tourist industry by attracting anglers from other states.[22]

Tourism is the third largest industry in the Lone Star State. It involves promoting recreational travel and providing camping and hiking opportunities for Texas residents. In addition, tourism attracts big-spending visitors from other states and countries.

Increasingly, global economics creates linkages between state policymakers and private interests. The Texas Department of Agriculture has a program for assisting Texas producers and manufacturers with export sales of agricultural commodities and goods. Finding international markets for other Texas products, attracting outside investment in Texas, expanding business in the state, and promoting tourism were functions of the Texas Department of Economic Development until September 2003. At that time, as a result of earlier legislation abolishing the department, these functions were transferred to the Office of the Governor. Governor Perry pushed this action.

Certification of Trades and Professions More than 40 occupational groups are certified (licensed) to practice their respective skills by state boards and commissions. Reflecting Texas's shift to a service economy, half of the state's certifying agencies are health care related. As a result of combined legislative and public pressure, each licensing board and commission now has at least one "public" member (not from the regulated occupation). All members are appointed to six-year terms by the governor, with approval by the Senate. Thus, from plumbers and electricians to physicians and nurses, occupational and professional standards are affected by the politics of gubernatorial appointments and senatorial confirmations or rejections.

Environmental Issues

Among Texas's many public policy concerns, none draws sharper lines of disagreement than how to maintain and nurture all forms of life while advancing business development that will provide jobs for Texas workers. Fewer arguments exist over why more action is needed for combating pollution. Texas industries produce more toxic contaminants (chemical waste) than do those of any other state. That grim reality is part of an increasingly complex problem that confronts local, state, and national policymakers.

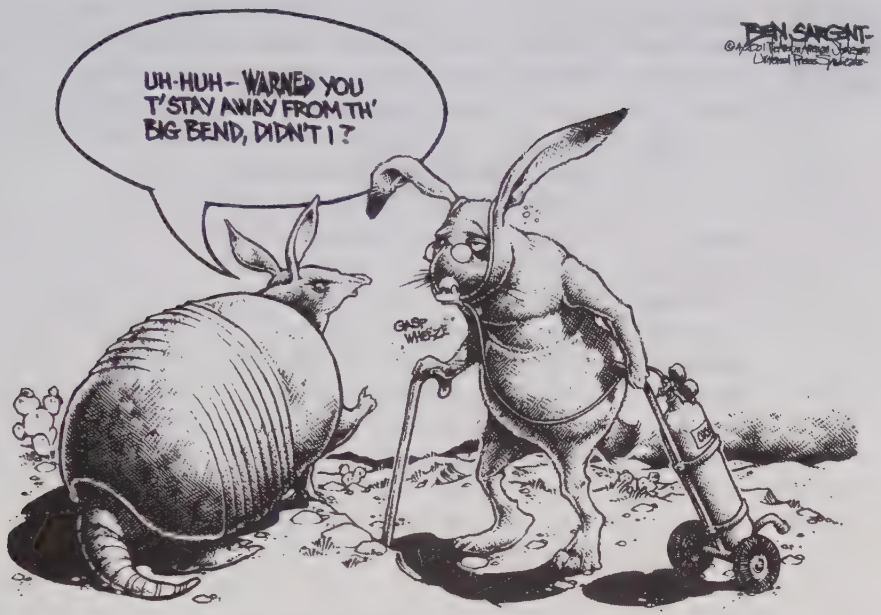
Federal policies give impetus to state environmental initiatives. Examples include rulings by the U.S. Environmental Protection Agency (EPA) and congressional directives in the Clean Air and Clean Water Acts. Enjoying cabinet-level status with a director, the EPA is one of many federal regulatory agencies created in the 1970s. Environmentalists, not known for Republican Party leanings, applauded President Richard Nixon's support of their agenda. EPA standards supersede state policies and are enforced by federal officials.

Texas business people, who often complain about governmental "red tape," usually support state policies designed to forestall federal regulations. Tracking corporate Texas's every step, however, is a growing army of public "watchdogs" (like the Sierra Club). Among the tactics used by these groups is filing class-action lawsuits against industries alleged to be polluting the environment.

Air and Water

Coordination of the Lone Star State's environmental policies did not occur until 1993. In that year, with legislative support, Governor Ann Richards played a leading role in combining existing agencies and creating the **Texas Natural Resource Conservation Commission** (**TNRCC**). During the decade that followed, TNRCC was often attacked by environmentalists who charged that the commission did more to defend the interests of polluting industries than it did to protect the environment. Some critics derisively called the agency "Train Wreck." At the beginning of September 2002, its name was changed to the **Texas Commission on Environmental Quality** (**TCEQ**). Commission members are appointed to six-year terms by the governor, with Senate approval, and the chair is chosen by the governor. Full-time salaried commission members select an executive director, who oversees about 3,000 employees.

State policymakers are continually involved in a balancing act as they respond to federal directives, local business pressures, and demands of individuals and environmental groups seeking stronger regulation of polluters. Delays in efforts by Dallas and Fort Worth to implement a regional plan for testing automobile emissions are one example of environmental politics. When TNRCC exempted Collin and Denton Counties from regional testing requirements, officials in Dallas and Tarrant Counties scrapped their original plan.



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As a result, these Metroplex counties missed their EPA deadlines and air pollution worsened in the state's most populous area. Houston, Beaumont, El Paso, and some other Texas cities also fell behind in plans for complying with the federal Clean Air Act.

Texas's air pollution problems are not confined to those caused by motor vehicles. Petrochemical and cement plants, refineries, smelters, steel mills, and a large variety of factories dot cityscapes statewide. Combined, these and other pollution emitters put the health of millions of Texans at risk.[23] Featuring a wheezing jackrabbit and an unsympathetic armadillo, Ben Sargent's cartoon warns that the scenic, sparsely populated Big Bend area of West Texas has polluted air like other parts of the Lone Star State. Early in April 2001, the National Parks Conservation Association placed the Big Bend National Park on its list of the 10 most endangered national parks in the United States.

Water contamination is another major area of TCEQ's responsibilities. Working with local prosecutors, the commission hears cases involving individuals and corporations alleged to have dumped toxic waste into the state's waterways. As with actions of other regulating bodies, TECQ's decisions can be appealed to state courts.

Another state agency involved in water policies is the six-member Texas Water Development Board (TWDB). Board members are nonsalaried, but they

Points to Ponder

The responsibilities of the Texas Water Development Board involve planning for conservation and management of the state's water resources. These resources include water drained by Texas rivers that discharge into the Gulf of Mexico. The 11 rivers are listed here in their order of geographic location, from the Sabine River, forming part of the Louisiana border, to the Rio Grande, marking the Mexican border.

Name	Length in Texas (miles)	Area of Texas Watershed (square miles)	Volume of Annual Discharge into Gulf of Mexico (acre feet)
Sabine River	580	7,400	6,800,000
Neches River	416	10,011	5,600,000
Trinity River	715	17,969	5,800,000
San Jacinto River	85	3,976	2,000,000
Brazos River	942	42,800	5,200,000
Colorado River	831	39,900	2,000,000
La Vaca River	94	2,280	600,000
Guadalupe River	250	6,000	650,000
San Antonio River	180	4,180	350,000
Nueces River	416	17,000	620,000
Rio Grande	1,000	40,000	0[a]

Source: Verne Huser, *Rivers of Texas* (College Station: Texas A&M University Press, 2000), reprinted by permission of Texas A&M University Press; and *The New Handbook of Texas,* 6 vols. (Austin: Texas State Historical Association, 1996).

[a]In 2001, the Rio Grande ceased to discharge water into the Gulf of Mexico. Dams, irrigation, industrial use, and drought caused the river to run dry near its mouth.

are appointed by the governor with the consent of the Senate. The governor also designates the board's chairperson. Along with developing strategies for water conservation in drought-ridden Texas, the board and its staff collect water-related data and administer grants and loans from funds that have been established to support water supply, wastewater, and flood control projects.

Hazardous Waste

"Not in our backyard" is the rallying cry of incensed Texans faced with having their communities selected as storage and disposal sites for toxic materials. Several West Texas counties (noted for sparse populations, undeveloped land, and little political clout) have been targeted by state and federal officials looking for places in which to dispose of industrial and residential waste.

Low-level radioactive waste consists of nuclear materials produced by hospitals, medical schools, nuclear power plants, and research laboratories. Many scientists and others argue that, properly buried underground, low-level radioactive waste is harmless and some can be reused for medical research. In Sierra Blanca, a town of fewer than 700 persons (mostly Latinos), citizens raised a vigorous protest when Hudspeth County was selected as Texas's first

low-level radioactive waste storage site. Schoolchildren from nearby Mexico joined their West Texas neighbors to march in Austin demanding that the state stop this policy. Their protests were ultimately heeded, and radioactive waste has not been stored at Sierra Blanca.

After the legislature passed a law banning private companies from dumping low-level radioactive wastes, Waste Control Specialists Co. (controlled by Dallas investor Harold Simmons) selected Andrews County, on the New Mexico border, for a dumpsite. Claiming exemption from state law because his company operates with federal contracts, Simmons, a wealthy contributor to George W. Bush's election campaigns, made determined efforts to use the Andrews County site.[24] In 2001, however, the 77th Legislature killed a bill that would have allowed a permanent low-level radioactive waste site to be created in West Texas. The bill would have consolidated the storage of waste currently kept in more than 2,500 places around the state. As amended, this bill also would have authorized another Texas site to store U.S. Department of Energy (DOE) waste. At the beginning of 2003, most of Texas's low-level waste was being transported to Brasewell, South Carolina, for disposal, but that facility has served warning that it will cease accepting out-of-state shipments after 2008. During three consecutive legislative sessions, people from Andrews County testified that they want a job-generating disposal site in their county. Nevertheless, legislative approval was not given.[25] In 2003, the 78th Legislature enacted H.B. 1567, which authorizes creation of a low-level facility and an adjacent facility for radioactive waste from the U.S. Department of Energy (DOE). Neither a specific company nor site is indicated in the bill. Nevertheless, Waste Control Specialists is the likely company and Andrews County is the probable site.

High-level radioactive waste consists primarily of spent (used) nuclear fuel rods, liquid waste resulting from reprocessing these fuel rods, and scrap materials left after manufacturing nuclear weapons. Potentially toxic for thousands of years (compared with several hundred years for low-level radioactive material), high-level radioactive waste must be stored at sites selected by DOE.

Generated largely by Texas's petrochemical industry, **nonradioactive hazardous waste** presents another environmental dilemma. Housing and commercial land developers covet landfill sites for their building projects. Pressured to relax regulations for cleaning up dumpsites in land-scarce cities, TCEQ has angered environmentalists with its tendency to approve less restrictive guidelines for dealing with this problem.

Homeland Security

Following the terrorist hijackings of four commercial passenger planes on 11 September 2001, federal, state, and local officials throughout the United States began giving more attention to preparations for preventing or coping with terrorist actions.

Texas Responds to the Terrorist Threat

In Texas, the Division of Emergency Management in the Governor's Office provides emergency response resources and information concerning disaster preparedness. Within the Texas Department of Public Safety, a counterterrorism intelligence unit handles reports of suspicious or criminal activities in which terrorists may be involved. The threat of bioterrorism has caused the Texas Department of Health to compile information on that subject, and the Texas Department of Agriculture has done the same for diseases that terrorists could spread among the state's livestock.[26]

After the terrorist attacks of 11 September 2001, the Governor's Task Force on Homeland Security studied the problem and made 44 recommendations that would require spending many millions of dollars and enacting some new laws. Included among these recommendations are the following:

- Require self-contained emergency response rooms in big special-events centers.
- Provide a second Texas Civil Support Team that will be available for antiterrorist action on a 24-hour basis.
- Cause persons changing their names to provide physical documentation, including fingerprints.
- Require cell phone companies to have portable towers available for emergency use.
- Exempt members of a private company's emergency response team from lawsuits when responding to an incident outside the company's property.[27]

Federal Funding for Antiterrorism

At a time when state and local governments are dealing with severe budget crises, it is apparent that Texas officials expect the federal government to provide funds for much of the spending for homeland security within the Lone Star State. Although this money has been slow in arriving from Washington, in January 2003 Governor Perry announced a federal grant of $1.7 million for the Texas Security and Analysis Center to coordinate the state's intelligence, warning, and response systems. Other federal grants obtained by early 2003 include the following:

- $51 million for a state health alert network
- $41 million for border inspection facilities housing federal and state inspectors
- $16.1 million for airport security
- $8.3 million to assist hospitals in preparing for dealing with bioterrorism
- $7.3 million to improve port security
- $4.6 million for food production security on farms and ranches

- $3.5 million for security planning involving large public-drinking-water systems
- $3.7 million for local fire departments
- $2.8 million to cities for vehicles used in emergency response and safety operations
- $1.3 million for state terrorism preparedness and counterterrorism training
- $1.2 million for medical response teams in metropolitan areas[28]

Additional homeland security efforts in Texas involve plans and proposals for restricting public information, increasing protection for the state's computers, establishing a National Biocontainment Laboratory at Galveston's University of Texas Medical Center, and preparing for smallpox vaccinations for health care workers, firefighters, and law enforcement personnel. Depending on future developments at home and abroad, Texas's homeland security efforts could expand greatly, and costs could escalate rapidly. By the end of August 2003, Texas had received more than $207 million in federal grants for homeland security. This included a grant of $84.1 million for local governments that was announced by Governor Perry in June of that year.

Too Many Agencies?

If asked whether government is too costly and cumbersome, most Texans would quickly answer yes. Counting the governing boards of state universities, more than 200 separate boards and commissions were tax funded at the beginning of 2003. Determining a precise number is virtually impossible, given continual restructuring by the Texas Legislature as agencies are abolished, created, or merged.

Far more difficult to answer is how to streamline the Lone Star State's bureaucracy. Beginning in 1977, the legislature passed "sunshine laws" making government meetings and records open for public view. In their next session (1979), Texas lawmakers began a **sunset process** whereby state agencies are systematically studied and then abolished, merged, or retained. Every 12 years, each state agency is reviewed by the Sunset Advisory Commission, composed of 10 legislators (5 from each chamber). Working with a staff of less than 30 employees, the commission makes its recommendations to the legislature as a whole. Thus state representatives and senators must give final approval concerning which departments live or die. It is not surprising that regulated groups (often enjoying cozy relationships with friendly administrators and legislators) and state employees (fighting for their jobs) wage vigorous campaigns for preserving agencies and continuing business as usual. By the middle of 2003, fewer than 50 minor state boards and commissions had been abolished ("sunsetted") after more than two decades of sunset reviews. In the case of the Texas Department of

Economic Development, previously noted, its nine board members lost their appointed, nonpaid positions. Nevertheless, the functions and most of the staff of the agency were transferred to an economic development and tourism office within the Governor's Office.

Looking Ahead

Four trends appear likely to continue in Texas's approach to state administration. First, accountability demands are forcing policymakers to require documentation of progress in education, human services, and other public policy areas. Driven by business principles of profit motive and cost effectiveness, taxpayers are sending at least one clear message to their public officials. They want "better" (at least from a business perspective) results for their money.

Second, and perhaps more likely to continue—regardless of who sits in the White House or the Governor's Mansion—is devolution, whereby the federal government turns over more of its work to the state governments.

Third, Republican legislators will push legislation to give the governor more control over state agencies not headed by elected officials.

Finally, state policies that conflict with national programs will continually be shaped by judicial decisions. The chapter "Laws, Courts, and Justice" describes Texas's judicial system and its relationship to the state bureaucracy, particularly those bureaucrats in the criminal justice system.

Chapter Summary

- State employees are Texas's largest work group.
- Whether in boardrooms of public school districts and institutions of higher education or in legislative chambers, policymakers are challenged by the need to achieve educational excellence at a price that Texas taxpayers can pay and that voters will support.
- Devolution of public assistance programs will continue to place demands on Texas's social service agencies to provide financial help for needy families and to assist impoverished people who are physically or mentally ill, or who are aged or disabled.
- It remains to be seen whether deregulation will be more effective than regulation in protecting the public interest; meanwhile, Texas consumers demand low-cost utilities, safer drinking water, and cleaner air.
- Texas has responded to the terrorist threat by seeking large grants of federal money for homeland security.
- Despite an ongoing "sunset" review process, state agencies continue to proliferate.

Key Terms

State Board of Education (SBOE)
Texas Education Agency (TEA)
Texas Assessment of Knowledge and Skills (TAKS)
Texas Higher Education Coordinating Board
executive commissioner of the Health and Human Services Commission
Texas Department of Human Services (TDHS)
Temporary Assistance for Needy Families (TANF)
Medicaid
Medicare
acquired immunodeficiency syndrome (AIDS)
Texas Workforce Commission (TWC)
Texas Railroad Commission (RRC)
Public Utility Commission (PUC)
deregulation
commissioner of insurance
Texas Parks and Wildlife Department
Texas Natural Resource Conservation Commission (TNRCC)
Texas Commission on Environmental Quality (TCEQ)
low-level radioactive waste
high-level radioactive waste
nonradioactive hazardous waste
sunset process



Discussion Questions

1. What are some of the advantages and disadvantages of employment in agencies of Texas state government?
2. Does Texas need its State Board of Education? What are the powers and functions of the SBOE?
3. Why has the State Board of Education been the subject of criticism and controversy?
4. How are Texas's state universities governed? What is the role of the Texas Higher Education Coordinating Board?
5. Discuss the impact of *Hopwood* v. *Texas* on Texas's colleges and universities, and explain why you support or oppose affirmative action programs in institutions of higher education.
6. Explain why AIDS is a serious health problem in Texas, and suggest ways that state and local governments should deal with it.
7. Which state commission is responsible for regulation of Texas's electric power companies? To what extent have these businesses been deregulated?
8. What are Texas's principal transportation problems? Which state agency is responsible for supervising the state highway system?
9. What are Texas's principal environmental problems related to the supply of clean air and water, and to the disposal of hazardous waste? Which government agencies deal with these problems and what do they do?
10. How has Texas dealt with the terrorist threat?

Internet Resources

Department of Public Safety of the State of Texas: **www.txdps.state.tx.us**
Office of Public Utility Counsel: **www.opc.state.tx.us**
Public Utility Commission of Texas: **www.puc.state.tx.us**
Railroad Commission of Texas: **www.rrc.state.tx.us**
State Board of Education: **www.tea.state.tx.us/sboe**
State Board of Educator Certification: **www.sbec.state.tx.us**
Sunset Advisory Commission: **www.sunset.state.tx.us**
Texas Department of Transportation: **www.dot.state.tx.us**
Texas Education Agency: **www.tea.state.tx.us**
Texas Commission on Environmental Quality: **www.tceq.state.tx.us**
Texas Department of Health: **www.tdh.state.tx.us**
Texas Department of Human Services: **www.dhs.state.tx.us**
Texas Department of Insurance: **www.tdi.state.tx.us**
Texas Department of Mental Health and Mental Retardation: **www.mhmr.state.tx.us**
Texas Education Agency: **www.tea.state.tx.us**
Texas Food Stamp Outreach: **www.lonestarcard.org**
Texas Higher Education Coordinating Board: **www.thecb.state.tx.us**
Texas Parks and Wildlife Department: **www.tpwd.state.tx.us**
Texas State Employees Retirement System: **www.ers.state.tx.us**
Texas Water Development Board: **www.twdb.state.tx.us**
Texas Workforce Commission: **www.twc.state.tx.us**

Notes

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Ravitch, *The Langauge Police: How Pressure Groups Restrict What Students Learn* (New York: Alfred A. Knopf, 2003).

7. John J. Goodman, *State Board of Education: Controversy and Change*, Focus Report No. 76-19 (Austin: House Research Organization, Texas House of Representatives, 3 January 2000), 2–6.
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11. Ben Wear, "Texas Higher Education Gets Low Grade," *Austin American-Statesman*, 1 December 2000.
12. *University of California Regents* v. *Bakke*, 438 U.S. 265 (1978).
13. *Hopwood* v. *Texas*, 78 F.3d 932 (1996).
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Selected Readings

8.1 Capital Has Been Spent, But Education Post Shouldn't Be for Sale*

Most appointments by Texas governors receive little or no publicity in the capital's Austin American-Statesman *or other media around the state. An exception is Governor Rick Perry's appointment of Geraldine "Tincy" Miller to serve as chair of the State Board of Education. Noting some of the heated controversies that have engulfed the board for several years, the following editorial sets forth the four principal reasons why the Austin newspaper opposed her appointment. On 24 February 2003, the day that the editorial was published, however, the Senate Nominations Committee voted 5-1 in favor of recommending confirmation of Miller's appointment. Affirmative votes were cast by the committee's five Republicans (Robert Deuell, Greenville; John Carona, Dallas; Chris Harris, Arlington; Mike Jackson, La Porte; and Jon Lindsay, Houston). One Democrat (Gonzalo Barrientos, Austin) voted against confirmation, and the other Democrat on the committee (Juan Hinojosa, McAllen) was not present when the vote was taken. On 6 March 2003, the full Senate voted 24-6 to confirm the appointment.*

This chair is for sale. The highest and hardest bidder is Geraldine "Tincy" Miller of Dallas. Between Miller and her husband, Vance, the couple spent tens of thousands of dollars to buy it. By now, you've figured correctly that this is no ordinary chair. We're talking about the chairmanship of the State Board of Education, which sets policy for Texas public schools and the 4.1 million children who attend them.

Unless the Texas Senate blocks Miller's nomination, she will win the post she long has coveted. The Senate Nominations Committee is poised to take up the nomination today [24 February 2003]. Given Miller's voting history on the 15-member board, and the political assassination she helped orchestrate to remove the former chair, we're perplexed that Gov. Rick Perry would pick her to lead the board. You should be as well. Perry passed over Miller two years ago in favor of Grace Shore, a Republican from Longview, to chair the board. Then the board was embroiled in controversy over its mismanagement of the $16 billion public school trust fund and ethics violations by some board members and consultants. Perry told *American Statesman* editorial writers then that legislation wasn't needed to clean up the school fund because he had complete faith in Shore to get the job done. Shore was defeated in the March GOP primary with help from Miller. The defeat created the vacancy that Miller is eager to fill. Though chances that the Senate will reject her are slim, Miller's nomination ought to be rejected for a variety of reasons, including:

Ethics

Time and time again, Miller stymied Shore's efforts to clean up ethics violations by board members and to improve management of the $16 billion Permanent School Fund, a trove of stocks, bonds and oil and gas royalties that pays for textbooks and generates about

*From the *Austin American-Statesman*, 24 February 2003. Copyright © 2003. Reprinted by permission of *Austin American-Statesman* via Copyright Clearance Center.

$700 million annually for public schools. Separate investigations by the state auditor, a legislative committee and by the Travis County attorney concluded this fund was mismanaged and awash in conflicts of interest.

Censorship

Miller voted to reject an honors science textbook that social conservatives criticized as being anti-Christian and anti-frontier. That criticism lacked validity. At the time, the Baptist-affiliated Baylor University in Waco used the textbook. One of the board's duties is to approve textbooks, which are provided to schools for free. Miller inappropriately influenced textbook content by directing publishers to get input for books from a conservative think tank in San Antonio, whose board members included her husband.

Divisive Politics

The Millers' Prestonwood Country Club PAC contributed about $13,000 to help Linda Bauer, Shore's GOP opponent. That was a considerable sum for a down-ballot, low profile race. It financed the attack mailer sent to voters in the last days of the campaign that helped Bauer defeat Shore. But the PAC also steered another $13,000 to the Texas Eagle Forum, which produced its own mailer supporting Bauer. (At the time, Bauer said she was unaware of the mailers.) Obviously, Vance Miller's $50,000 contribution to Perry's gubernatorial campaign did not go unnoticed.

Geraldine Miller didn't stop with contributions. Miller's husband sued to implement voting districts the couple drew for the State Board of Education. So Shore was forced to run in a district configured by the Millers against a candidate also financed by the couple.

Judgment

Several years ago, Miller was an independent leader who decided issues on their merit. She earned a reputation as a swing vote, sometimes voting with Democrats and other times with Republicans. That was when she was at her best and working to improve public education for all schoolchildren. But in recent years, Miller has become a reliable vote for the block of six social conservative ideologues. Their unabashed goal has been to move public education back to rote learning—memorization drills instead of the tougher goal of teaching kids how to think and compute.

Furthermore, in voting with the board's social conservatives—all Republicans—she has aligned herself with certain members of the board under investigation for mismanaging the state's school trust fund and violating state open meetings laws. Miller is the wrong person to lead the fractious board. The board would be better served by an independent Republican, such as Dan Montgomery of Fredericksburg, who votes on issues and not ideology.

Miller has spent a considerable amount of capital—financial and political—to buy the chair. It's up to Texas Senators who hold the power to reject Miller's nomination to tell her it's not for sale.

8.2 Schools of Hard Knocks*

Matt Flores

This article was published in February 2003, while the 78th Texas Legislature was working on a state budget that would reduce state spending in response to declining revenue. Matt Flores describes achievements and problems of public colleges and universities in the largely Latino-populated area that extends from San Antonio southward to Brownsville and westward to El Paso.

When Juliet Garcia took over the helm of a small community college on the southernmost tip of Texas, the school offered two-year degrees to the poorest of the state's residents, most of whom were Mexican Americans. For generations, it had been the college of choice in Brownsville, a booming city that long suffered the state's neglect and low educational achievement. Four-year degrees were available if students ventured to Pan-American University next door, but few attended. Brownsville and other Rio Grande Valley cities sent students elsewhere for bachelor's and advanced degrees. Of the comparative few who were able to leave, many never returned, creating a brain drain that exacerbated the area's poverty. "In my day, if you left home for college, you left the Valley for good," Garcia said.

Juliet Garcia Returned

Garcia, who grew up in Brownsville, returned to the Valley in 1986 to help change the fortunes of ambitious students. She came at the right time. Within five years, the University of Texas System took the community college under its wing and merged it with a UT System school to become UT—Brownsville, a four-year university that combines the original community college and an upper division college. Then, in 1993, the state approved the South Texas Border Initiative, which infused $500 million into higher education in 41 counties that stretch from El Paso to Brownsville and take in San Antonio, Kingsville and Corpus Christi. But the 10-year initiative has run its course, the money is spent and the state is facing a fiscal crisis.

The eager student response has compounded a regional educational and economic dilemma: As the state money dwindles, leaders such as Garcia are struggling for new resources to keep up with their swelling ranks of the undereducated. The state budget squeeze threatens to derail some programs, reduce access and delay or undermine the region's progress. "It's a recurring theme, and it's a common struggle," Garcia said, likening the current predicament to the one her hometown faced before the initiative.

*From the *San Antonio Express-News*, 23 February 2003. Matt Flores is a staff writer for the *Express-News*. Reprinted with permission.

The Nation's Poorest

If the South Texas border region stood as its own state, it would be the nation's poorest, according to data compiled by former State Comptroller John Sharp. The state had contributed to historic poverty by overlooking the region's higher education community for decades, leaving relatively few students with the financial means to obtain undergraduate and professional degrees, a lawsuit predating the initiative charged. "Obviously, disparities between South Texas institutions and those in the rest of Texas were very bad," said Al Kauffman, the former regional counsel for the Mexican American Legal Defense and Educational Fund, which argued the lawsuit on behalf of border institutions. Kauffman said advocates hoped state lawmakers eventually would pump $2 billion into this needy region, but the full commitment never materialized.

At the onset of the border initiative, the region's public colleges and universities collectively offered only six doctorate-level degrees, a scant 1 percent of all doctorate programs offered in the state. Now the region accounts for more than 4 percent of all doctoral programs in Texas. Most college officials acknowledge, as do key lawmakers who point to the state's $10 billion budget shortfall, that they will be lucky to find the money to sustain current levels, much less the pricey legislative packages they are seeking. Gov. Rick Perry has recommended that lawmakers dramatically slash $600 million in higher education funding for special items, which could affect everything from UTSA's Institute of Texan Cultures to UT's McDonald Observatory in West Texas. Future growth is imperiled, too, they say.

It is unfortunate timing for Rumaldo Juarez, who became Texas A&M University—Kingsville's president last fall with a dream of lifting that university to new heights. Already, he fears academic progress may stall, which would be a critical blow to a region underserved for so long. "If we have to cut back on a program to recruit students, we lose several years of progress—and we could lose a generation of students," said Juarez, whose goal to make A&M Kingsville a major research university got a boost last year when the state approved a new pharmacy school for the institution. What alarms many in higher education ranks are studies by the state's demographer, Steve Murdock, that suggest Texas' rapidly growing Hispanic population is on track to be less educated than it is today. And according to demographic forecasts, South Texas will outpace almost every other region of the state in growth through 2030.

Concerns about inadequate education opportunities led civil rights groups to sue in the late 1980s, claiming the state funding scheme neglected the region's colleges and left its predominantly Hispanic residents limited opportunities close to home. The arguments resonated with South Texas lawmakers and higher education officials, who rallied on a united front and launched the border initiative, which aimed for parity with the rest of Texas. The boost didn't change the way colleges and universities were funded, but some reasoned that the border schools could expect a larger share of state funding because Texas doles out dollars according to enrollment and degree offerings. Tough economic times, however, reduce the flow of state outlays. For fast-growing universities such as the University of Texas at San Antonio, which experienced its biggest spike last fall with more

than 2,000 additional students, the distribution method can be especially brutal because the funding cycle operates on a two-year delay.

Rapid Success

Through the initiative UTSA built its downtown campus, Laredo got its first four-year university and institutions throughout the region added costly facilities and degree programs. Spurred by the improvements, enrollment at Garcia's institution grew by 25 percent, from about 8,000 to more than 10,000. In the past 10 years, South Texas' nine public colleges and universities gained 106 new degrees while the state's 26 other public schools gained only 43. Before the initiative, South Texas and the border region had a collective 585 degree programs, only six of which were doctoral-level; the rest of Texas had 3,262 degree plans, 500 of which were doctorates. Now, South Texas and border institutions account for 21 doctorate programs compared with 472 for the rest of the state.

But even as they have added degree plans, dorms and labs, officials at program-starved colleges and universities say the changes have whetted their appetite for more. Some of the new facilities opened overcrowded. At Brownsville, enrollment shot up faster than classrooms could be built. "How many universities do you know that own a hotel and a mall?" asked Garcia, the UT-Brownsville president. An adjacent hotel recently was converted into the university's first dormitory and a vacant mall down the road was retrofitted for classrooms for a continuing education program. Plans already are on the drawing board to convert another nearby hotel into additional student housing.

At UTSA, President Ricardo Romo began renting warehouse space last year to house overflow architecture students at the university's Downtown Campus. And two buildings planned for the main campus, one of which will be among the largest academic buildings in the UT-System, are expected to be at capacity when they open in 2004 and 2006. Despite the buildup in degree programs, South Texas still has no professional school outside of San Antonio. The first planned one, the new pharmacy school at A&M—Kingsville, opens in fall 2005.

Promise Unfulfilled?

The access issue is particularly troubling for students such as Erika Torres, 21, a senior at Texas A&M International University in Laredo. Torres exemplifies the promise fulfilled in the border initiative, as well as the ongoing challenges the colleges face. Torres was born in San Luis Potosí, Mexico, moved to Laredo as a 7-year-old who spoke no English and grew up as an economically disadvantaged child in a colonia with her eight siblings. Her parents have little education and her father works as a driver for a local school district.

She is the kind of student university presidents dream of serving, one who excels in academics and extracurricular activities and who plans to become a doctor or public servant to help the impoverished, health-stricken region from which she hailed. Torres, a scholarship student who graduated fifth in her high school class, makes good grades, is

student body president and participates in a special academic program for high-achieving students who want to pursue a career in medicine. She is a statistical cinch to earn her bachelor's degree and move on to graduate studies.

But Torres likely would not have attended a four-year college were it not near her family home. And going away to pursue an advanced degree, be it in public administration or medical school, poses other barriers. Her father, like many others in South Texas and along the border, is reluctant to let his daughter move far away to go to school—an inevitability if Torres is to pursue her goals of going into public service or becoming an obstetrician/gynecologist. "My parents always stressed the importance of education, but they really didn't think college was an important step," Torres said. Then there's the cost. Even with scholarships, Torres likely still will face additional living expenses, leaving her in the unenviable position of having to shoulder substantial loans.

Perhaps a harsher reality is that scores of other students in Laredo won't even have the opportunity to face the obstacles Torres will encounter. For every Torres, hundreds, if not thousands, of South Texans aren't in a position to go from high school to college and hit the books full time. Many live at home, hold jobs and even raise families. On the other hand, many others attend nearby colleges, graduate and obtain jobs to help contribute to the region's economic turnaround.

The Future of Texas

And their contribution to the work force is essential. Erika, who attended United South High School in Laredo, was among almost 600 students enrolled there as freshmen in 1996, but one of only roughly 340 who went on to graduate at the same school in 1999. About half of the graduates did not go on to college. The same shrinking effect applies at all seven Laredo high schools. Given that grim statistic, Ray Keck, president of Laredo's Texas A&M International University, recognizes an urgency in maximizing college opportunities for South Texas and border residents. "Our mission is to change the face of South Texas," said Keck, whose university enrolls about 3,800 students, about 92 percent of whom are Hispanic. "Universities no longer weed you out," Keck said. "If you are a public institution in Texas, your charge is to make available to students what they need to succeed."

Late last year, the interim House committee on higher education reviewed the impact of the South Texas Border Initiative, noting marked improvements but recommending, nonetheless, that more master's, doctoral and professional degree programs be added. "I have not yet sensed the sensitivity that is needed for our South Texas students," said state Rep. Irma Rangel, a Kingsville Democrat and longtime chairwoman of the House Committee on Higher Education. She and others also worry that tuition increases might become a popular solution to offset the loss of state funds, which could depress enrollment at a time when the state is seeking to boost it. "If we keep increasing costs to our students, we know who will be the students of tomorrow—only those who can afford it," Rangel said. "We cheat our students and our economy when we don't fully fund our colleges and universities."

Already, statistics demonstrate a troubling ethnic disparity among those who earn their college degrees in Texas. Of roughly 80,000 college degrees conferred in the state last

year, 16.4 percent went to Hispanics, who represent about 32 percent of the state's population. Seven percent went to blacks, who make up about 11 percent of the population. Hispanics and blacks historically have been underrepresented in the collegiate ranks.

Although Texas has launched a "Closing the Gaps" initiative with a stated goal of increasing minority enrollment by 2015, early figures indicate the state is well below its target. "Closing the Gaps makes South Texas institutions more important," said Raul Fernandez, who represents San Antonio on the Texas Higher Education Coordinating Board, the coordinating agency for public postsecondary education. "Those institutions have to be the stars of today and tomorrow."

Colleges themselves have predicted they won't make the state's target of enrolling 340,000 Hispanic college students in 2005, expecting to fall short by about 45,000. And because demographers expect Hispanics to be the dominant group in Texas by 2026 (at just above 50 percent of the population), it is imperative that more qualify to work in a labor force that increasingly has become technologically driven. "The days of being a graduate of high school, and being able to open up the hood of a Suburban and figuring out what's wrong are gone," said state Sen. Teel Bivins, an Amarillo Republican and the former Senate Education Committee chairman who became chairman of the powerful Senate Finance Committee this session.

8.3 Is Plan Cutting Electric Costs?*

Sudeep Reddy

Published early in 2003, this article warns that bills for some North Texas consumers of electricity could rise to new highs. In discussing this possibility, Sudeep Reddy explains the role of the Public Utility Commission and reports results of the first 13 months of deregulation in the Lone Star State.

This summer [2003], most consumers in North Texas could see some of the highest electricity bills they have ever seen. The reason: higher natural gas prices and the new way that state regulators determine rates for former monopolies such as TXU. The change has become one of the most controversial aspects of Texas' foray into electricity competition.

Customers Have Choices

During the last 13 months, proponents and critics of Texas' electric restructuring plan have jousted over whether most consumers are saving money under deregulation. Electric companies and the Texas Public Utility Commission have trumpeted figures showing that consumers saved hundreds of millions of dollars last year, by comparing 2002 rates with those in 2001 before deregulation.

*From the *Dallas Morning News*, 31 January 2003. All rights reserved. Sudeep Reddy is a staff writer for the *Dallas Morning News*. Reprinted by permission.

Under the same month-to-month comparison and with new rates proposed last week, a TXU customer who uses 1,000 kilowatt hours of electricity this summer can expect to pay $100.72 a month. Some of the highest electric bills from TXU came in summer 2001, when a 1,000 kilowatt-hour TXU customer was paying $101.31. And natural gas prices today are lower than they were in the year leading up to summer 2001. So, if gas prices keep rising and TXU needs to submit another rate-increase request, bills could break previous records.

TXU says that consumers are still saving money under deregulation—even if they don't switch to competing providers. Residential electricity bills would be even higher if the regulated system had continued, a spokesman said. Supporters of deregulation say that the new system gives consumers control over their electricity bills with a choice of providers. Rates going up in this environment and this kind of market structure [have] a fundamentally different meaning now than [they] used to," said John Savage, the Texas president for Green Mountain Energy, a competitive provider that offers pollution-free wind power. "In the past, rates went up, my bill went up, and that was it. Now consumers have choices."

"Price to Beat"

The new structure was designed to encourage new providers to enter the market and stimulate a competitive environment, while also offering a regulated rate for customers of the former monopolies such as TXU. But less than 7 percent of residential electricity customers have changed providers. So the majority of consumers are paying the incumbents' rates, known as the "price to beat." The price to beat is locked until at least 2005, or once companies lose 40 percent of their original customers. But utilities can request rate adjustments based on changes in the cost of fuel for generating electricity.

The formula that allows those rate-increase requests has been the biggest source of disagreement in the deregulated system. Consumer-advocacy groups say that the "price to beat" has been pushed higher simply to make it seem as if competition is working. "We thought it was supposed to work that consumers switch of their own free will, not because the rates TXU charged were jacked up so high that it forced consumers away from the company," said Janee Briesenmeister, a senior policy analyst at Consumers Union. "That kind of a mind-set was not in the consumers' interest."

The dispute over electricity rates comes from an arcane section of the new rules. The law allows utilities to request changes to the "price to beat" if they demonstrate that their fuel calculations do not reflect "significant changes in the market price of natural gas and purchased energy used to serve retail customers." Different groups have taken that to mean different things.

The PUC wrote regulations that allow a fuel price adjustment if an average of natural gas prices on the market goes up 4 percent over a 10-day period. An incumbent utility can request a change in the fuel formula twice a year. The reasoning: Most competing companies buy their electricity from power plants that use natural gas. If the gas prices go up, and incumbent utilities' rates don't go up along with them, the competitors won't have a price differential on which to compete.

"The whole intent is that we go forward in market-based pricing," said PUC Chairwoman Rebecca Klein. "And when you do that, you're putting the retailers in a position to take the risk of how they're going to ... hedge their contracts [for fuel], and so the competition should be amongst each other in how savvy they are in managing their risks." Under the old system, utilities could recover all of their costs for fuel and consumers paid interest on that fuel as it was spread out over monthly electricity bills. "Now, utilities have the burden of balancing their fuel costs with the risk of losing customers when gas prices go up," TXU spokesman Chris Schein said. "Critics of the system want it both ways," he said.

How the System Works

"What they're wanting are all the benefits of competition, without consumers bearing any of the risks or costs," Mr. Schein said. Customers have received mixed messages about how the new system is intended to work. PowerToChoose.org, a Web site run by the PUC, tells consumers that "a utility is prohibited from making a profit on fuel costs." Consumer advocates say they don't object to raising rates if natural gas prices increase. But they say companies should show that their costs increased.

Half the utilities' electricity is generated from nuclear and coal power plants, which are not subject to similar price fluctuations. And although natural gas prices may increase in the short term, wholesale electricity costs do not necessarily go up at the same pace. Consumer groups contend that rates for price-to-beat customers are higher now than they were under regulation.

"Comparing natural gas prices in the old and new systems with their corresponding fuel factors shows that today, even though the gas prices are much lower, the fuel factor is much higher," said Clarence Johnson, director of regulatory analysis at the office of Public Utility Counsel, a state agency charged with representing the interests of residential customers. The agency filed a lawsuit last year to challenge the original price-to-beat setting. It said that TXU customers are being overcharged because the fuel factor included special costs unrelated to fuel. And as natural gas prices go up, the percentage change is applied to the overall fuel factor and passed on to consumers. "The fuel-adjustment mechanism in the 'price to beat' is really biased toward the utilities and biased against ratepayers," he said.

Consumer groups have asked the Legislature to make changes. State Rep. Steve Wolens, D-Dallas, who co-wrote the electric deregulation bill, said he plans to look at the issue in the coming weeks and consider whether any changes to the law are warranted. "I always have an open mind in reviewing anything that we've ever done in the Legislature," he said. "It just depends on what the facts are and if the law is unclear."

The fluctuations in natural gas prices make it difficult for consumers to know whether they're paying less under deregulation. A TXU customer who uses 1,000 kilowatt hours of electricity this month would pay $80.78. That's lower than the $84.25 rate in January 2001. But it's higher than the $74.08 they paid in January 1999, before the state's deregulation law was passed.

Some Save Money

No one disagrees that many electricity customers are saving money compared with the regulated system. Commercial customers, school districts and other big users are paying far less than they paid before deregulation. Those rates are not regulated by the PUC. The rate-increase request that TXU filed last week requires PUC approval before taking effect in later February or early March. When the commissioners delayed a vote last summer under the same rule, TXU sued the panel and won approval.

The latest increase will boost the average TXU bill by 12 percent, bringing the company $500 million a year in additional revenue. But if natural gas prices fall, TXU also could seek to lower its rates in order to prevent customers from switching to competitors. Ten companies compete for residential electricity customers in North Texas, with rates as much as 17 percent lower than TXU's proposed rates. But competitors can change their prices with as little as a 45-day notice.

TXU has 2.7 million electricity customers, up from 2.5 million before deregulation. It operates as a fully competitive retailer in other areas of the state while it loses its original customers to competition. "If our prices did not accurately reflect true market conditions, you would have hundreds of competitors in here to steal our customers," Mr. Shein said. "You're not seeing a huge disconnect."

Chapter 9

Laws, Courts, and Justice



" Thirty years, unless of course, a DNA test later proves otherwise "

From *The Wall Street Journal*—Permission, Cartoon Features Syndicate.

From Internet divorces to video cameras at stoplights, technology now touches every aspect of the civil and criminal justice systems. Evidence that was the subject of science fiction only a few short years ago is now commonplace in Texas courtrooms. Citizen concern about privacy is challenged daily as digital and video cameras monitor jail inmates, drivers, and jurors. The Internet is now available to file for a divorce; to monitor the location of sex offenders; and to obtain information on lawyers, judges, courts, the prison system, and a host of other topics. Some eyewitness testimony can now be verified through the use of DNA.

In Texas, postconviction analysis may be available for some inmates who were tried and convicted prior to the development of DNA testing. It is required for those cases in which DNA-test results could make a difference in establishing innocence. The use of biological evidence in criminal cases became increasingly important after the invention of DNA testing in the early 1980s by geneticist Alec Jeffreys.[1] As of May 2003, the Innocence Project at New York's Cardoza Law School reported that more than 125 inmates were released across the nation after DNA analysis proved their innocence. Continued technological advances will allow even more sophisticated and accurate testing and the likely release of a greater number of innocent prisoners. Thus, the judge's comments in the opening cartoon are most appropriate. The state also compensates individuals who were wrongfully incarcerated. Someone found innocent after being imprisoned is entitled to $25,000 for each year he or she was wrongly incarcerated up to a total of $500,000. Technological and scientific advances affect all parts of the justice system. In this chapter issues involving both the criminal and civil justice systems are examined.[2]

An Introduction to Texas's Justice System

Significant connections between politics and justice in Texas result from state constitutional requirements that judicial officials (except municipal court judges) be popularly elected. This means campaigning for nomination in a party primary; running as a Democratic, Republican, or third-party candidate in a general election; and soliciting campaign contributions from lawyers and other individuals who have an interest in judicial politics. Many Texas judges obtain their offices initially when they are appointed to fill a vacancy caused by a judge's death or retirement before the end of a term of office. Such appointments are usually influenced by political party affiliation. Although judges are involved in the policymaking process, they attract less public attention than do state legislative and executive officials.

State Law in Texas

With more than 3,000 justices and judges, and almost that many courts, Texas has one of the largest judicial systems in the country. Counting the traffic vio-

lations that are dealt with by lower courts, millions of cases are handled each year. Courts of the state of Texas deal with cases involving **civil law** (for example, suits concerning business contracts, divorces and other family issues, personal injury, and other noncriminal matters). They also hear cases involving **criminal law** (proceedings in which someone is accused of having committed a crime such as murder or theft). A court's authority to hear a particular case is defined as its **jurisdiction.** The law creating a particular court fixes the court's jurisdiction; it may be civil, criminal, or both. In addition, some courts have **original jurisdiction** only, meaning they are limited to trying cases being heard for the first time. Other courts are restricted to hearing appeals from lower courts and thus have only **appellate jurisdiction.** Still other courts exercise both original and appellate jurisdiction.

Sources of Law

Regardless of their jurisdiction, Texas courts are responsible for interpreting and applying state law. These laws include statutes enacted by the legislature, the provisions of the Texas Constitution, and judge-made common law that is based on custom and tradition dating back to the days of medieval England. A court may apply a statute, constitutional provision, and common law all in the same case. Procedures that are followed in filing a case, conducting a trial, and appealing a judgment depend on whether the case is civil or criminal.

Code Revision

Newly enacted laws passed in each legislative session are compiled by the Office of the Secretary of State and published under the title *General and Special Laws of the State of Texas.* For easier reference, these laws are arranged by subject matter. Many of these statutes may be found in *Vernon's Revised Civil Statutes of the State of Texas*, available from the West Group and on the Internet. In recent years, the legislature has reorganized and revised a number of Texas laws related to specific topics (such as education or taxes) into a systematic and comprehensive arrangement of legal codes; these are found in *Vernon's Texas Codes Annotated.*

In addition to piecemeal changes resulting from routine legislation, pressure occasionally mounts for extensive revision of an entire legal code. Thus, the legislature created the Texas Punishment Standards Commission, which drafted Penal Code recommendations for consideration by state lawmakers. As a result, the legislature revised the Penal Code, including important changes in definitions of crimes, periods of imprisonment, and conditions for parole and community supervision. Subsequent modifications have been necessary to resolve problems not addressed by the original revisions, such as increasing punishment for state jail felons who are repeat offenders and creating a new felony for escapes by inmates from privately operated jails.

Courts, Judges, and Lawyers

Article V of the Texas Constitution is titled "Judicial Department." This article provides that all state judicial power "shall be vested in one Supreme Court, in one Court of Criminal Appeals, in Courts of Appeals, in District Courts, in County Courts, in Commissioners Courts [which have no judicial authority, as discussed in the chapter "Local Governments"], in Courts of Justice of the Peace and in such other courts as may be provided by law." In exercising its constitutional power to create other courts, the Texas Legislature has created municipal courts, county courts-at-law, and probate courts. These courts are referred to as statutory courts.[3]

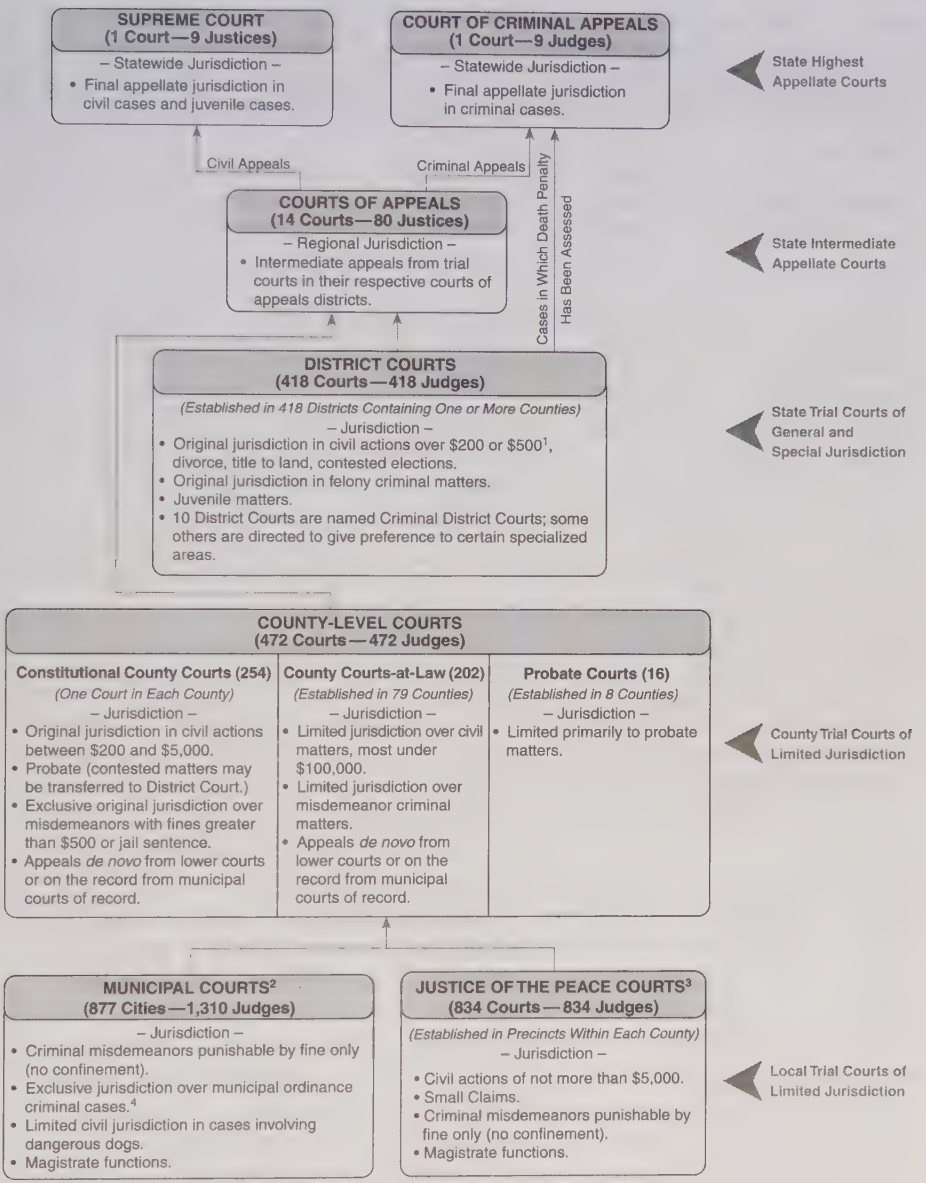
The Texas Legislature continues to add specialized courts to meet specific needs of the state's residents. To assure that all children in foster care are permanently placed within 12 months, several counties now participate in "cluster courts," traveling courts that adjudicate only Children's Protective Services' cases. All counties with a population of 550,000 or more are required to establish drug courts. In all other counties, the county commissioners *may* create drug courts. Intended to focus on treatment rather than punishment, these courts use a variety of treatment options to achieve success. (See Reading 9.1, "In Drug Court, Success Is Sweet," for a description of the Fort Bend County Drug Court.)

Texas's judicial system is complex. (See the structure of the current judicial system presented in Figure 9.1.) A court may have both exclusive and concurrent jurisdiction. A court that has **exclusive jurisdiction** is the only court with the authority to decide a particular type of case. **Concurrent jurisdiction** means that more than one court has authority to try a specific dispute. In that instance, a plaintiff selects the court in which to file the case. The same court may have original and appellate jurisdiction. Further distinctions are made regarding whether a court resolves criminal matters, civil cases, or both. Qualifications for judges also vary among the different courts, as shown in Table 9.1.

Local Trial Courts

The courts with which Texans are most familiar are municipal courts and justice of the peace courts. Together these local trial courts handle, among other types of cases, charges involving Class C misdemeanors, the least serious category of criminal offenses. Both municipal judges and justices of the peace serve as magistrates of the state. In this capacity, they issue warrants for arrest of suspects and conduct hearings to determine whether a person charged with a criminal act will be jailed pending further court action or released on bail.

Municipal Courts Judicial bodies in more than 875 incorporated cities, towns, and villages in Texas are known as municipal courts. The mayor of a



[1]The dollar amount is currently unclear. See district court section of Subject Matter Jurisdiction of the Courts.
[2]Some Municipal Courts are courts of record—appeals from those courts are taken on the record to the county-level courts.
[3]All Justice of the Peace Courts and most Municipal Courts are not courts of record. Appeals from these courts are by trial *de novo* in the county-level courts, and in some instances in the district courts.
[4]An offense that arises under a municipal ordinance is punishable by a fine not to exceed: (1) $2,000 for ordinances that govern fire safety, zoning, and public health or (2) $500 for all others.

Figure 9.1 Texas Court Structure (2003) *Source:* Reprinted courtesy of the Office of Court Administration.

Table 9.1 Texas Judges and Justices

Court	Judicial Qualifications	Term of Office	Annual Salary[a]	Method of Selection	Unexpired Terms Filled By
Local Courts					
Municipal courts	Varies; set by each city	Varies; set by each city	Paid by the city; highly variable	Appointment or election, as determined by city charter	Determined by city charter
Justice of the peace courts	None	4 years	Paid by the county; highly variable	Partisan precinctwide elections	Commissioners court
County Courts					
Constitutional county courts	Must be "well informed" in Texas law; law degree not required	4 years	Paid by the county; highly variable	Partisan countywide elections	Commissioners court
Statutory county courts (courts-at-law and probate courts)	At least 25; licensed attorney with at least 4 years experience; 2 years county residence	4 years	Paid by the county; highly variable	Partisan countywide elections	Commissioners court
State Courts					
District courts	At least 25; licensed attorney with 4 years experience; 2 years district residence	4 years	$101,700; county salary supplements; must be $1,000 less than court of appeals justices' salaries	Partisan districtwide elections	Governor and advice and consent of Senate
Courts of appeals	At least 35; licensed attorney with at least 10 years experience	6 years	$107,350 (justices); $107,850 (chief justices); county salary supplements; must be $1,000 less than Supreme Court justices' salaries	Partisan districtwide elections	Governor and advice and consent of Senate

Table 9.1 Texas Judges and Justices (continued)

Court	Judicial Qualifications	Term of Office	Annual Salary[a]	Method of Selection	Unexpired Terms Filled By
Court of Criminal Appeals	At least 35; licensed attorney with at least 10 years experience	6 years	$113,000 (judges); $115,000 (presiding judge)	Partisan statewide elections	Governor and advice and consent of Senate
Supreme Court	At least 35; licensed attorney with at least 10 years experience	6 years	$113,000 (justices); $115,000 (presiding justice)	Partisan statewide elections	Governor and advice and consent of Senate

Source: Office of Court Administration.
[a]Through fiscal year 2003.

general-law city serves as municipal judge, unless the city council provides for election or appointment of someone else to perform this function. Usually, municipal court judges of home-rule cities are named by city councils for two-year terms. Although they are not required to be licensed attorneys (unless presiding over a municipal court of record), more than one-fourth of Texas's 1,300 municipal judges have this professional qualification. The city council determines the number of judges and sets judicial salaries.

Municipal courts have limited civil jurisdiction in cases involving owners of dangerous dogs. They have no appellate jurisdiction. Their original and exclusive criminal jurisdiction extends to all violations of city ordinances, and they have criminal jurisdiction concurrent with justice of the peace courts over Class C misdemeanors committed within city limits. Municipal court judges are authorized to impose maximum fines of $2,000 in cases involving violations of some municipal ordinances (for example, regulations governing fire safety and public health). The maximum fine for violations of other city ordinances and state criminal laws is $500. If an individual is dissatisfied with the result of a municipal court ruling, the case can be appealed to the county court or a county court-at-law. Appeals are filed only in about 1 percent of municipal court cases.

If a city has a municipal **court of record** (a court with a court reporter to record the testimony and proceedings), a transcript of the municipal trial is made and the appeal at the county level is based on that record of the case. Otherwise, cases that are appealed are given a trial de novo (a completely new

trial). All incorporated cities are authorized to maintain municipal courts of record. Because of the expense involved, few Texas municipalities have such courts.

Justice of the Peace Courts A justice of the peace, often called the JP, is elected for a term of four years by voters residing in a precinct with boundaries created by the county commissioners court. The number of precincts per county (one to eight) is mandated according to population by the Texas Constitution. The number of JPs (one or two) per precinct is also directed in part by that same document. Counties with populations over 150,000 can choose whether to have one or two JPs per precinct. In an effort to save money, Dallas County eliminated several JP and constable positions in 2001. Harris County (Houston) considered this option when it redistricted JP precincts in 2003. Texas has approximately 850 justices of the peace, most of whom serve on a part-time basis. Annual salaries are set by county commissioners courts and range from a token $1 to almost $95,000.

Neither previous legal training nor experience is required for the position. Approximately 5 percent of Texas's JPs (usually in large cities) are lawyers and may engage in private legal practice while serving as a justice of the peace. Within a year after election, a justice of the peace who is not a lawyer is required by law to complete a 40-hour course in the performance of the duties of that office. Thereafter, the JP is supposed to receive 20 hours of instruction annually. Because failure to complete the training is a violation of a JP's duties under the law, arguably a noncomplying JP could be removed from office for official misconduct. However, such removal is highly unlikely.

Judicial duties of justices of the peace in urban areas constitute a full-time job, whereas in many rural precincts very few cases are tried. In addition to presiding over the justice court, a justice of the peace serves as an ex officio notary public and, like other Texas judges and justices, may perform marriages. A JP also functions as a coroner, who determines the cause of death when the county commissioners court has not named a county medical examiner. Justice of the peace courts have both criminal and civil jurisdiction. In all cases, their jurisdiction is original. In criminal matters, these local courts try Class C misdemeanors, but any conviction may be appealed to the county court or a county court-at-law for a new trial.

A justice of the peace depends on the precinct constable to handle any courtroom disruption. A constable, who is a peace officer with full law enforcement authority, is elected for a four-year term in each JP precinct. Most constables, however, leave law enforcement and crime detection to local police and the county sheriff's department. The principal function of constables is to serve writs (for example, a subpoena requiring appearance in court) and other processes issued by trial courts. In a precinct with a large population, the constable is usually assisted by one or more deputy constables.

Exclusive civil jurisdiction of JP courts is limited to cases in which the amount in controversy is $200 or less, not including interest. Concurrent civil jurisdiction is shared with county courts and district courts if the amount in controversy exceeds $200 but is not more than $5,000. Appeals from a JP court are taken to the county level, where cases are tried de novo.

Small-Claims Courts Did the cleaners damage your sweater and then refuse to replace it? Did you work last week and now your boss is withholding your wages? **Small-claims court** is where you should seek justice. Presided over by the justice of the peace, a small-claims court can hear almost any civil dispute in which the damages claimed are for $5,000 or less, except for divorces, slander, or suits affecting title to land. Plaintiffs must pay a fee of up to $65 to bring a case against one individual. Additional amounts may be due if there is more than one defendant in the case. Because these proceedings are informal, parties to the suits often represent themselves. When the amount in controversy exceeds $20, the losing party may appeal to a county-level court.[4]

The state attorney general's office was accused of misusing the small-claims court system in mid-2002 when journalists discovered that the office filed all of its suits against residents of the Lone Star State in Georgetown (in Williamson County, just north of Austin). In selecting this city for its suits, the state disregarded where the defendant lived or where damage to state property had occurred. The state argued that the Williamson County JPs were efficient and the county's close proximity to Austin saved the state travel costs. Disgruntled defendants countered that the locale was inconvenient, and records showed that most defendants did not even respond to the lawsuits, so the state automatically won judgments against them.

County Trial Courts

Every Texas county has a county court as prescribed by the state constitution, and some have one or more additional county-level courts. All are courts of record, and each is presided over by a single judge, who is elected on a county-wide basis for a term of four years. A vacancy on a county-level court is filled by the county commissioners court. Annual salaries are set by the commissioners court of each county and vary from a few thousand dollars in sparsely populated rural counties to more than $120,000 in heavily populated urban counties.

Constitutional County Courts Under the Texas Constitution, each of the state's 254 counties has a county judge who is supposed to be "well informed in the law of the State." County judges performing judicial functions—along with judges of county courts-at-law, district courts, and appellate courts—must take Supreme Court–approved courses in court administration, procedure, and evidence. Only one-fourth of Texas's constitutional county court judges are licensed attorneys.

Most of the 254 constitutional county courts have original and appellate jurisdiction as well as probate, civil, and criminal jurisdiction. In some instances, however, the legislature has established county courts-at-law to exercise such jurisdiction. **Probate** matters include establishing the validity of wills, guardianship proceedings, and mental competency determinations. Original civil jurisdiction of a constitutional county court is limited to cases involving between $200 and $5,000. Original criminal jurisdiction includes all Class A and Class B misdemeanors.

Appellate criminal jurisdiction extends to cases originating in JP courts and municipal courts. A constitutional county court's appellate jurisdiction is final with regard to criminal cases involving fines of $100 or less. For cases in which greater fines are imposed, the plaintiff may appeal to a court of appeals. Civil cases are heard on appeal from JP courts when the amount in controversy is greater than $20. Civil jurisdiction is final with regard to those cases in which the amount in controversy does not exceed $100.

County Courts-at-Law In counties with large populations, the burden of presiding over the county commissioners court and handling many administrative responsibilities has left the judges of constitutional county courts with little or no time to try civil, criminal, and probate cases. Thus, the legislature has authorized more than 200 statutory courts that are most commonly called county courts-at-law. Statutory court judges, who must be licensed attorneys with at least four years' experience, relieve constitutional county court judges of some or all courtroom duties in almost 80 counties. With few exceptions, the criminal jurisdiction of county courts-at-law is limited to misdemeanors. Civil jurisdiction of most county courts-at-law is limited to controversies involving amounts of $200 to $100,000. Annual salaries for judges vary, but in the state's most populous counties these salaries average more than $120,000 per year. Multicounty statutory courts are authorized.

Probate Courts Some constitutional county courts share probate jurisdiction with county courts-at-law. In the six most populated metropolitan areas in Texas, the legislature has established one or more county-level probate courts to hear probate cases only. For example, Tarrant County has two probate courts, Dallas County has three, and Harris County has four. Contested matters in probate cases are taken to district courts. These courts are responsible for guardianship proceedings and admitting wills to probate.

State Trial Courts

Texas's principal trial courts are composed of 418 district-level courts of general and special jurisdiction (as of 2003). Each has one judge, who is elected to serve for a term of four years. For fiscal year 2003, the minimum state salary for a district judge was set at $101,700 per year. Counties within a dis-

trict may pay salary supplements, but the total salary must be $1,000 less than that paid to court of appeals justices in which the district court is located. Although such salaries seem ample when compared with those paid for most jobs, in fact they are well below amounts earned by many attorneys. As a result, a large number of district judges now return to the more lucrative private practice of law after serving as a judge for only a few years. One jurist observed that this situation "institutionalizes judicial inexperience."[5]

Most state trial courts are designated simply as district courts, but a few are called criminal district courts. Each district-level court has jurisdiction over one or more counties. Heavily populated counties may have several district courts with countywide jurisdiction.

Qualifications for judges of district-level courts include U.S. citizenship, residence in the district for two years immediately before election or appointment, and a license to practice law in Texas. As a guarantee of practical legal experience, a district-level judge must have been a practicing lawyer, a judge of a court of record, or both for at least four years prior to election. As in the case of Texas judges in other state courts, a vacant judgeship (resulting from death, resignation, retirement, removal, or the creation of a new court) is filled by gubernatorial appointment with the advice and consent of the Senate.

More than half of the judges in district-level courts initially reach the bench as a result of appointment. Historically, having the political advantage of running as incumbents, they retained their positions by winning subsequent elections. In recent elections, however, incumbent Democratic judges have been defeated in increasing numbers as party affiliation has become more important than incumbency.

District Courts Most district court judges are authorized to try both criminal and civil cases, although a statute creating a court may specify that the court give preference to one or the other. All criminal jurisdiction is original. Except for cases transferred from constitutional county courts, misdemeanor jurisdiction is limited to offenses involving misconduct by government officials while acting in an official capacity. Felony jurisdiction extends to capital felonies; felonies of the first, second, and third degree; and state jail felonies. Appeal following a capital felony conviction is taken directly to the Court of Criminal Appeals. Other criminal convictions are appealed to one of the state's 14 intermediate appellate courts.

District courts have exclusive original jurisdiction over civil cases involving divorce, land titles, contested elections, slander, and defamation of character. They have original civil jurisdiction in controversies involving $200 or more. Thus, concurrent jurisdiction with lower courts begins at this level; above the maximum "dollar-amount" jurisdiction of those courts, district courts exercise exclusive civil jurisdiction. Appeals of civil cases go to courts of appeals.

Criminal District Courts Five courts in Dallas County, four in Tarrant County, and one in Jefferson County have been designated as criminal district courts. Nevertheless, each of these courts has general jurisdiction that extends to civil cases. More confusing, however, is the fact that some courts designated as district courts with general jurisdiction have been instructed by the legislature to hear criminal cases only, and others have been instructed to "give preference to" criminal cases. Such a hodgepodge of jurisdictions is but one indication that reorganization and simplification of the Texas judicial system are needed.

Appellate Courts

The Lone Star State's appellate courts consist of 14 courts of appeals, the Court of Criminal Appeals, and the Supreme Court of Texas. Each of these courts has three or more judges or justices, and all members are popularly elected for terms of six years. Terms are staggered so that one-third of the members are elected or reelected every two years. This arrangement helps to ensure that at any given time—barring death, resignation, or removal from office—each appellate court will have two or more judges with prior experience on that court.

Justices of courts of appeals, judges of the Court of Criminal Appeals, and justices of the Supreme Court of Texas must be at least 35 years of age and have had 10 years of experience as a practicing lawyer or 10 years of combined experience as a practicing lawyer and judge of a court of record. Decisions are reached by majority vote of the judges assigned to the case after they examine the written record of the case; review written briefs, or arguments, prepared by the parties' attorneys; and hear oral arguments by the attorneys. The Supreme Court of Texas and the Court of Criminal Appeals are authorized to answer questions about Texas law asked by federal appellate courts (for example, the U.S. Supreme Court).

Briefing attorneys (also called law clerks) assist appellate judges and justices in researching case law and writing opinions explaining court decisions on cases argued before the court. Typically, talented recent law school graduates, many of these young attorneys only work for the appellate courts for one or two years. Prior to their employment with the court, they have already accepted a job with a large law firm, which will commence at the end of their time as a law clerk. For many of these individuals, state employment means they are foregoing $100,000 or more per year in salary. The state pays approximately $40,000 annually to inexperienced lawyers, while private law firms pay as much as $150,000 in annual salary to first-year attorneys. Briefing clerks were always required to disclose future employment obligations and could not work on cases in which any party was represented by the clerk's future employer. Until 2002, however, they could receive signing bonuses from

these same law firms that often equaled their state pay. In that year, the Texas Ethics Commission ruled that these bonuses could be considered bribes paid to state employees. Supreme Court rules now prohibit this practice.

Courts of Appeals The legislature has divided Texas into 14 state court of appeals districts and has established a court of appeals in every district. Each of these intermediate appellate courts is composed of a chief justice and from 2 to 12 justices. There are a total of 80 justices on the courts of appeals across the Lone Star State. A redistricting plan devised by the Texas Supreme Court and submitted to the 78th Legislature recommended the consolidation of the two appellate courts located in Houston, a reduction in justices on the courts that are in Houston and San Antonio, and the creation of a new appellate district in the Rio Grande Valley. The plan did not become law, however.

A court of appeals justice receives a state salary that is 95 percent of the salary of a Supreme Court justice. Through fiscal year 2003, the state salary for members of courts of appeals was $107,350. County governments in a district may provide salary supplements. These amounts may not exceed $15,000 per year and the total salary must be $1,000 less per year than that paid a Supreme Court justice.

Both the size and ethnic, racial, and gender composition of the state's 14 appellate courts vary. Courts serving the more rural areas of the state tend to have all-white, male jurists, while those in urban areas are more diverse. In 2003, for example, five of the seven justices on the Fourth Court of Appeals in San Antonio were women; the Thirteenth Court of Appeals in Corpus Christi was all Hispanic, and four of its six justices were female; and perhaps the most diverse court in the state was the Eighth Court of Appeals, which sits in El Paso. The four-member court was presided over by a Hispanic male. Its other members included an Asian American male and two Anglo females.

Courts of appeals hear appeals of civil and criminal cases (but not those involving capital punishment) from district courts and county courts. Final jurisdiction includes cases involving divorce, slander, boundary disputes, and elections held for purposes other than choosing government officials (for example, bond elections). Courts must hear appeals in panels of at least three justices. A majority vote of a panel of justices is required for a decision.

Court of Criminal Appeals Texas and Oklahoma are the only states in the Union that have bifurcated (divided) court systems for dealing with criminal and civil appeals. In Texas, the highest tribunal with criminal jurisdiction is the Court of Criminal Appeals. This nine-judge court hears criminal appeals exclusively. Noncapital criminal cases are appealed from the 14 courts of appeals. Capital punishment cases are appealed directly to the Court of Criminal Appeals from district courts. Texans continue to resist the creation of a unified judicial system, which would have a single appellate court of last resort for both criminal felony and complex civil cases.[6]



How Do We Compare . . . in Salaries of Highest Court Justices and Judges?

Annual Salaries of Highest Court Justices and Judges (in annual dollars as of 2002)

Most Populous U.S. States	Chief Justice/ Judge	Associate Justice/ Judge	U.S. States Bordering Texas	Chief Justice/ Judge	Associate Justice/ Judge
California	$170,312	$162,409	Arkansas	$130,276	$120,346
Florida	$150,000	$150,000	Louisiana	$113,358	$108,503
New York	$156,000	$151,200	New Mexico	$98,283	$96,283
Texas	**$115,000**	**$113,000**	Oklahoma	$110,299	$106,706

Source: National Center for State Courts, *Survey of Judicial Salaries: Setting Judge Salaries* 27, no. 1 (Winter 2002); **www.ncsconline.org**.

Members of the Court of Criminal Appeals, including one whom voters elect as presiding judge, are popularly elected in partisan elections on a statewide basis for six-year terms. Annual salaries of judges of the Court of Criminal Appeals were set at $113,000 through fiscal year 2003. The presiding judge was authorized to receive $2,000 more because of additional administrative responsibilities. A comparison of salaries indicates that judges and justices of the state's highest appellate courts are compensated at lower levels than their counterparts in other large states.

Presiding judge Sharon Keller became the first woman elected to this position on the Court of Criminal Appeals in 2000. Four of the remaining eight judges are women. There are currently no Hispanics or African Americans on the Court of Criminal Appeals. All members of the court are Republicans.

Supreme Court Officially titled the Supreme Court of Texas, the state's highest court with civil jurisdiction has nine members elected statewide on a partisan basis: one chief justice and eight justices. Annual salaries for the justices and the chief justice are the same as those for the judges and the presiding judge of the Court of Criminal Appeals. In an effort to lower court expenses, members of the court through Chief Justice Tom Phillips recommended to the 78th Legislature that the number of justices be reduced to seven. Texas is one of only five states to have a nine-member court. Chief Justice Phillips estimated a seven-member court could save the state more than $300,000 annually. Such a change requires an amendment to the Texas Constitution. The Texas Democratic Party opposed such a move.

No Democrats have served on the Texas Supreme Court since Justice Raul Gonzalez resigned in 1998. For the first time in its history, two African Americans now serve on the court. Justice Wallace Jefferson, the first African American to join this body, was appointed by Governor Rick Perry in 2001. Justice Dale Wainwright became the first African American ever to win election to the court in 2002. Although three Hispanics have served on the Texas Supreme Court throughout its history, there were none on the court as of July 2003.



U.S. Supreme Court Justice Sandra Day O'Connor (right) swears in (from left) Texas Supreme Court Justices Michael H. Schneider, Thomas R. Phillips, and Wallace B. Jefferson in January 2003. (AP photo—Harry Cabluck / Wide World Photos)

Women continue to play a significant role on the Texas Supreme Court. Justice Harriet O'Neill observed at the 2003 swearing-in of newly elected justices conducted by U.S. Supreme Court Justice Sandra Day O'Connor, "It's the only case I know of where the departing justice [Justice Deborah Hankinson] is a woman, the one swearing her out is a woman [Justice O'Neill], and the person who will be swearing in her successor is a woman [Justice O'Connor]. The good old girl network is alive and well in Texas."[7] As of July 2003, two members of the nine-member court were female.

Without criminal jurisdiction, this high court is supreme only in cases involving civil law. Because it has very limited original jurisdiction (for example, issuing writs and hearing cases involving denial of a place on an election ballot), nearly all of the court's work involves appeals of cases that it determines it must hear based on statutory provisions. Much of the Supreme Court's work involves handling applications for a writ of error, which can be requested by a party who argues that a court of appeals made a mistake on a question of law. If as many as four justices favor issuing a writ, the case is scheduled for argument in open court. Because these votes are secret, several consumer groups have sued the Supreme Court in an attempt to force public disclosure of the justices' votes on whether to hear a case. Fourteen other states require such disclosure; however, the remaining 35 states and the U.S. Supreme Court do not. Approximately 10 percent of cases appealed to the Texas Supreme Court are accepted.

In addition to hearing motions and applications and deciding cases, the Supreme Court performs other important functions. It is responsible for

formulating the rules of civil procedure, which set out the manner in which civil cases are to be handled by the state's trial courts and the appellate courts. The Supreme Court also has the authority to transfer cases for the purpose of equalizing workloads (cases pending on the dockets) of courts of appeals. The chief justice can temporarily assign district judges outside their administrative judicial regions and assign retired appellate justices (with their consent) to temporary duty on courts of appeals. Early in each regular session of the Texas Legislature, the chief justice is required by law to deliver a "State of the Judiciary" message, either orally or in written form, to the legislature.

Although the Texas Supreme Court is located in Austin, the Texas Constitution now allows the court to convene twice a year in other cities around the state. The first such session was held in 1998 in Waco at Baylor University's Law School. Typically, these sessions are held in cities with law schools so that law students will have an opportunity to observe the workings of the court. Supreme Court sessions in Amarillo and El Paso during 2002 varied from this tradition.

Disciplining and Removing Judges and Justices

Each year, a few of Texas's judges and justices commit acts that warrant discipline or removal. Traditionally, the most common method of dealing with erring judges was to vote them out of office at the end of a term. Situations involving the most serious judicial misconduct were handled through trial by jury for judges at all levels and by legislative address or impeachment for state court judges. Although all of these methods are still available, the State Commission on Judicial Conduct now plays the most important role in disciplining the state's judiciary at all levels. This 11-member commission is composed of 5 judges, each from a different-level court; 2 attorneys; and 4 nonattorney private citizens.

The State Commission on Judicial Conduct has several options for the manner in which it deals with judges who come before it, depending on the severity of the offense. Among the actions the commission may take are:

- Suspending from office any judge (or justice) who has been indicted by a grand jury for a felony or who has been charged with a misdemeanor involving official misconduct
- Privately or publicly admonishing, warning, or reprimanding a judge
- Requiring a judge to obtain additional judicial training or education
- Ordering a formal hearing concerning public censure, removal, or retirement of a judge
- Ordering a judge to undergo a physical or psychiatric examination
- Requesting the Supreme Court to appoint a master to hear evidence and then report to the commission
- Recommending the removal of a judge and barring the individual from seeking public office, however, only the Texas Supreme Court can actually remove a judge from office.

In recent years, the commission has become increasingly active. Historically, it met six times a year for one and one-half days each time. In both fiscal years 2001 and 2002, the commission resolved in excess of 1,000 complaints annually. Disciplinary sanctions were issued in approximately 80 cases each year. Additional publicity surrounding judicial hearings has attracted more press attention to these cases as advance notice is now given for pending hearings. Previously, commission procedural rules prohibited disclosing an upcoming proceeding until the hearing had actually begun. Now, the public can be advised as soon as a notice of a pending formal hearing is filed.

Lawyers

Both the Texas Supreme Court and the State Bar of Texas play a role in regulating legal practice in the state. The Supreme Court is involved with issues relating to the training and licensing of lawyers. Although accreditation of law schools is largely a responsibility of the American Bar Association, the Supreme Court appoints the eight-member Board of Law Examiners. That board supervises administration of the bar exam for individuals seeking to become licensed attorneys, and it certifies the names of successful applicants to the court.

To practice, a licensed attorney must be a member of the State Bar of Texas and pay dues for its support. Although the state bar is well known for its high-pressure lobbying activities, the organization promotes high standards of ethical conduct for Texas lawyers and conducts an extensive program of continuing legal education. To maintain their active status, practicing attorneys must complete at least 15 hours of continuing education each year, of which at least 3 hours must be devoted to legal ethics.

As an administrative agency of the state, the state bar is authorized to discipline, suspend, and disbar attorneys. Investigations and hearings involving professional misconduct by attorneys are conducted by local grievance committees composed of lawyers and individuals outside the legal profession. Even without the filing of a complaint, the bar may take action to police its membership.

There are now almost 70,000 attorneys in the Lone Star State, making 1 attorney available for every 339 Texans. The number of lawyers continues to increase, but residents of the Rio Grande Valley argue that their area of the state has been neglected in the training of new attorneys. Eight of the state's American Bar Association (ABA)–approved law schools are concentrated within a triangle formed by San Antonio, Houston, and Dallas–Fort Worth. The lone exception is Texas Tech in Lubbock. No law school is south of San Antonio. (Table 9.2 identifies all ABA-approved law schools in the state and their 2002 enrollments.) Because of the number of law students and the tendency of new graduates to remain in the state after graduation, in 2002 the Texas Higher Education Coordinating Board refused to recommend the

Table 9.2 Texas Law School Enrollment by Law School, Fall 2002

School	Location	Enrollment
Baylor University School of Law	Waco	400
St. Mary's University School of Law	San Antonio	690
South Texas College of Law	Houston	1,200
Southern Methodist University Dedman School of Law	Dallas	857
Texas Southern University Thurgood Marshall School of Law	Houston	535
Texas Tech University School of Law	Lubbock	700
Texas Wesleyan University School of Law	Ft. Worth	660
University of Houston Law Center	Houston	1,000
University of Texas School of Law	Austin	1,400
Total Enrollment		7,442

Source: Anita Davis, "Texas' Nine Law Schools," *Front Page News*, 14 Aug. 2002, **www.texasbar.com**.

creation of a new law school in the Valley. Proponents argued that the state's Hispanic and African American populations, which represent more than 40 percent of Texans, were woefully underrepresented among the state's lawyers as only 10 percent of licensed attorneys are either Hispanic or African American.

Legal Services for the Poor Although there is an abundance of lawyers, legal services are still not available to many Texans. Sixty percent of Texans believe they could not afford to hire an attorney. Texas ranks last among the 10 largest states in per capita spending for legal aid in civil matters. The State Bar of Texas maintains a list of no-cost and low-cost legal services across the state on its web site. Attorneys are encouraged to provide low-cost and pro bono (cost-free) assistance to indigent individuals. Under the Sixth Amendment to the U.S. Constitution and the Bill of Rights in the Texas Constitution, individuals accused of a crime are entitled to be represented by an attorney. Courts must appoint attorneys for criminal defendants who establish that they are indigent. These attorneys are paid by the county. No assistance is available for cases brought by prisoners that challenge the constitutionality of their incarceration (habeas corpus proceedings), unless the defendant has been sentenced to death.

If these same individuals were trying to get legal help for a civil matter, little or no free assistance would be available. In fact, more than 3 million Texans qualify for legal aid services, a federal program begun during the administration of President Richard Nixon to provide legal services for civil matters to poor people. Funding decreases and increasing numbers of those eligible for assistance have created a dilemma for the state. In 2003, each eligible Texan could have received only $8.40 in legal help through this program. Some observers estimate that as many as one-half of Texas's indigent house-

holds are in need of civil legal services at any point in time, but many remain unable to access the legal system.

To address this growing need, the Texas Supreme Court created the Texas Access to Justice Commission in 2001. The 15-member commission is responsible for coordinating and increasing delivery of legal services to poor and low-income Texans. Its members include judges, attorneys, and nonattorneys familiar with the legal needs of the poor. The commission meets twice a year to address funding and other issues related to legal representation in civil matters for those unable to pay for such services. The commission, in collaboration with the Texas Access to Justice Foundation, created a web site in 2003 to furnish information about free and low-cost legal services to low-income Texans.

Further, the Texas Supreme Court requires lawyers to supplement federal legal aid funds with interest collected on client trust accounts. Many attorneys deposit small amounts of money from clients for a short period of time to assure funds will be available when needed—for example, to complete a business transaction. These funds are called trust accounts because the money does not belong to the attorney. It is only being held in trust for the client. If the amount of money is large enough or will be held for a long enough period of time to earn interest in a separate account, such an account is created and the interest is paid to the client. If, however, the account is small or very short term, it is deposited into a "pooled" account with similar funds. Although such an account may have significant funds in it at all times, no amount remains on deposit long enough or is large enough to earn interest on its own. Therefore, the state bar believes any interest earned does not belong to the client and can be diverted to provide legal assistance to the poor. This practice provides approximately $5 million per year for legal services. In 2003, attorneys also began paying new fees to fund civil representation for indigents.

The state bar has worked to fill the legal-services gap through attorney volunteers. Recommending that attorneys donate 50 hours per year assisting needy clients, the organization asks attorneys to report their volunteer hours annually when paying their dues. State bar records reflect that the state's 70,000 lawyers provided approximately 78,000 hours of charity legal work in 2001 (the most recent year for which complete information is available).

Self-Help Legal Software One response to rising legal costs has been the publication of self-help books and software on a number of legal topics. It is possible to purchase interactive software, such as Quicken Family Lawyer, and legal self-help books, such as those published by Nolo Press, that will allow a person to write a will, obtain a divorce, or create a corporation. Legal documents that would cost hundreds, and sometimes thousands, of dollars if prepared by an attorney can be prepared at little or no cost by using self-help products.

Internet Sites The practice of law has also expanded to the Internet. Most law firms maintain web sites that highlight areas of a firm's practice as well as

its lawyers. Many legal forms can now be completed on the Internet, including those used in divorces. Some companies offer forms and then direct the client to an attorney. Others have the user answer questions on the web site, and software is programmed to complete all forms. The user then files the documents with the court, and no attorney is involved. Some enterprising attorneys provide forms directly through their own web sites along with phone, fax, and e-mail assistance to the client. Both Internet service providers and lawyers claim these services are low-cost and efficient. Others argue that "you get what you pay for" in quality and service. It is possible to research an attorney's qualifications, as many lawyers are rated by their fellow attorneys in the areas of legal ability and ethics in the *Martindale-Hubbell Legal Directory.*

Juries

A jury system enables citizens to participate directly in the administration of justice. Texas has two types of juries: grand juries and trial juries. The state's Bill of Rights guarantees that individuals may be charged with a felony only by grand jury indictment. It also guarantees that anyone charged with either a felony or a misdemeanor has the right to trial by jury. Jury trials are required in civil cases if requested by either party.

Grand Jury

A **grand jury** is composed of 12 citizens who may be chosen at random or selected by a judge from a list of 15 to 20 county residents recommended by a judge-appointed grand jury commission. Members of a grand jury must have the qualifications of trial jurors and are paid like trial jurors (see the following "Trial Jury" section). As required of a trial juror, a grand jury member must not be under indictment for a felony or charged with a misdemeanor theft at the time of selection. The district judge appoints one juror to serve as foreman of the jury panel. A grand jury's life extends over the length of a district court's term, which varies from three to six months. During this period, grand juries have authority to inquire into all criminal actions but devote most of their time to felony matters.

The work of a grand jury is conducted in secrecy. Jurors and witnesses are sworn to keep secret all they hear in grand jury sessions. If, after investigation and deliberation (often lasting only a few minutes), at least nine grand jurors decide there is sufficient evidence to warrant a trial, an indictment is prepared with the aid of the prosecuting attorney. The indictment is a written statement accusing some person or persons of a particular crime (for example, burglary of a home). An indictment is referred to as a true bill; failure to indict constitutes a no bill.

Any credible person may file a complaint, a sworn statement asserting that there is good reason to believe a person has committed a particular offense. The grand jury has the authority to investigate any such complaint without direction from any other authority. Such a complaint was filed by a private citizen in Harris County in 2002. The man was mistakenly seized, arrested, and taken into custody in his home and then removed from his home in view of his neighbors. When local law officials failed to answer his questions about how such an error occurred, he filed a complaint with one of the Harris County grand juries asking them to investigate. Ultimately, the grand jury indicted a sheriff's deputy who allegedly furnished inaccurate information to other officers. Many individuals, including those who serve on grand juries, are unaware they have such independence and authority.

For misdemeanor prosecutions, grand jury indictments are authorized but not required. On the basis of a complaint, the district or county attorney may prepare an information, a document that formally charges the accused with a misdemeanor offense. The role of the grand jury is to decide on the sufficiency of any evidence.

Trial Jury

Although relatively few Texans ever serve on a grand jury, almost everyone can expect to be summoned from time to time for duty on a trial jury (**petit jury**). Official qualifications for jurors are not high, and many thousands of jury trials are held in the Lone Star State every year. To ensure that jurors are properly informed concerning their work, they are provided with brief printed instructions (in English and Spanish) that describe their duties and explain basic legal terms and trial procedures. In urban counties, these instructions are often shown as a video and include other languages common to segments of the county's population, such as Vietnamese.

Qualifications of Jurors To be considered qualified, a Texas juror must be:

- A citizen of the United States and of the state of Texas
- 18 years of age or older
- Of sound mind
- Able to read and write (with no restriction on language), unless literate jurors are unavailable
- Neither convicted of a felony nor under indictment or other legal accusation of theft or of any felony

Qualified persons have a legal responsibility to serve when called, unless exempted or excused. Exempted from jury duty are individuals who:

- Are age 70 or older
- Have legal custody of a child or children under age 10

- Are enrolled in and attending a university, college, or secondary school
- Are the primary caregivers for invalids
- Are employed by the legislative branch of state government
- Have served as petit jurors within the preceding three years (only in counties with populations of more than 250,000)

Nevertheless, judges retain the prerogative to excuse others from jury duty in special circumstances. A person who is legally exempt from jury duty may avoid reporting to the court as summoned by filing a signed statement with the court clerk at any time before the scheduled date of appearance. In urban counties, prospective jurors can complete necessary forms on the Internet to claim an exemption. In Travis County (Austin), prospective jurors complete juror questionnaires online in a program called iJury, and eligible jurors receive their court assignments via the Internet. In counties without iJury capability, the same individual would spend up to half a day awaiting assignment to a court.

Selection of Jurors A **venire** (jury panel) is chosen by random selection from a list provided by the secretary of state. The list includes the county's registered voters, licensed drivers, and persons with identification cards issued by the Department of Public Safety. A trial jury is composed of 6 or 12 individuals: 6 in a justice of the peace court, municipal court, or county court; 12 in a district court. A jury panel generally includes more than the minimum number of jurors.

Attorneys are allowed to question jurors through a procedure called **voir dire** (which means "to speak the truth") to identify any potential jurors who cannot be fair and impartial. An attorney may challenge for cause any venire member suspected of bias. If the judge agrees, the prospective juror is excused from serving. Of increasing concern to attorneys who represent large corporations is the growing hostility to these companies and their officers. Recent surveys indicate that those eligible for jury service have been influenced by negative news about Enron and other corporations. In cases involving large corporations, attorneys will seek to identify these attitudes and biases during voir dire.

An attorney challenges prospective jurors either by peremptory challenge (up to 15 per side, depending on the type of case, without having to give a reason for excluding the venire members) or by challenge for cause (an unlimited number). Jurors may not be excluded on the basis of race or ethnicity. Because of claims that lawyers in the Dallas County District Attorney's Office systematically kept African Americans off criminal juries, in the case of *Miller-El* v. *Cockrell* the U.S. Supreme Court stayed the execution of a convicted murderer and clarified what constitutes illegal discrimination in jury selection. Many individuals try to avoid jury duty by failing to appear (punishable as contempt for ignoring the court's order) or answering voir dire questions in a way that makes them appear biased.

For a district court, a trial jury is made up of the first 12 venire members who are neither excused by the district judge nor challenged peremptorily by a party in the case. For lower courts, the first 6 venire members accepted form a jury.

When jurors are empaneled, a district judge may direct the selection of 4 alternates, and a county judge may require the selection of 2 alternates. If for some reason a juror cannot finish the trial for either a civil or a criminal case, an alternate juror may be seated as a replacement. Even if no alternate has been selected and a juror cannot complete service, the Texas Court of Criminal Appeals has ruled that once a jury has been empaneled, it must proceed to trial and judgment with only 11 members.

Compensation of Jurors Daily pay for venire members and jurors varies from county to county. Each county can authorize payment at an amount not to exceed $50 per day, but most counties set payment for venire members (those who are summoned for jury duty) at only $6 per day (the lowest in the nation) and pay for jurors at a mere $10 for each day of jury service. The Texas Judicial Council committee did not recommend an increase in juror pay to the 78th Legislature but did encourage counties to pay more. Amounts in excess of payments set by the county may be paid by the parties to the case if they agree to do so. Employers are prohibited by law from discharging permanent employees because they have been summoned as prospective jurors or selected as jurors.

Cameras in the Jury Room One of the most controversial decisions related to jury service was district judge Ted Poe's agreement to allow cameras from the public television show *Frontline* to film jury deliberations in a Houston trial. The case was a capital murder trial in which the death penalty was being sought. All prospective jurors, the 17-year-old defendant, and his mother agreed to the filming. Texas law prohibits any individual other than jurors to be present during jury deliberations. Judge Poe and *Frontline*'s lawyers argued that a camera was not a person and could therefore be used. Further, they believed that filming deliberations would educate the public about how a jury reaches a verdict in a capital case. Although several other states have allowed juries to be filmed, this case was to have been the first capital murder trial in which cameras would be allowed in the jury room. Harris County district attorney Chuck Rosenthal responded that the cameras would influence juror behavior and interfere with deliberations. The Texas Court of Criminal Appeals held that video cameras were the "legal equivalent" of a person and were therefore not allowed in the jury room during deliberations. In 2003, the 78th Legislature passed a law prohibiting the use of cameras and any other audiovisual equipment to record deliberations of juries in criminal cases in the Lone Star State.

Judicial Procedures

Many Texas residents, as well as people from outside the state, appear in court as litigants or witnesses. As a litigant, for example, a person becomes a party to a civil case arising from an automobile accident or from a divorce or child custody matter. A person would become a party in a criminal case when accused of a crime such as robbery. Witnesses may be summoned to testify in any type of case brought before the trial courts of Texas, but a court pays each witness only $10 per day for court attendance. In still another capacity, a citizen (even someone without legal training) may be elected to the office of county judge or justice of the peace. For these reasons, Texans should understand what happens in the courtrooms of their state.

Civil Justice System

As used in Texas, the term *civil law* generally refers to matters not covered by criminal law. The following are important subjects of civil law: **torts** (for example, unintended injury to another person or that person's automobile resulting from a traffic accident); contracts (for example, agreements to deliver property of a specified quality at a certain price); and domestic relations or family law (such as marriage, divorce, and custody of children by parents). Civil law disputes usually involve individuals or corporations. In criminal cases, an individual is prosecuted by the state. Nevertheless, a single incident may result in prosecution on a felony or misdemeanor charge and a civil suit for personal damages.

Limiting recovery amounts by injured parties, who claim they were damaged by some type of tort, is one of the most important changes in civil law in recent years. A major justification for limiting recovery in tort cases is that individuals and businesses must pay high liability insurance premiums for protection against the risk of lawsuit judgments. As medical malpractice insurance premiums began to skyrocket in 2002, many elected officials at both the state and national levels called for an extension of tort reform. They sought to limit recoveries against doctors found liable for medical mistakes that damaged their patients. In 2003, the American Medical Association identified Texas as one of 12 states at high risk of a health care crisis due to rising insurance premiums' forcing doctors to leave the profession.[8]

Physicians and other health care workers held rallies across the state to publicize their cause. They blamed the need for insurance companies to defend against frivolous lawsuits and large recoveries from doctors as the reasons for the rise in premium rates. Consumer groups and plaintiffs' lawyers, however, cited studies indicating that increasing insurance premiums track economic conditions rather than lawsuit recoveries. Because insurers use the premiums they collect to invest in stocks, real estate, and similar markets, when the

economy suffers so do these investments. Opponents of tort reform argued that these losses were the reason insurance premiums were high, citing examples such as the St. Paul Companies. The insurer paid approximately $37 million in claims in the state during 2001, but lost more than $100 million in investments in Enron Corporation.

Governor Rick Perry so strongly believed in the need for reform that he featured two doctors as his special guests at his 2003 State of the State address. Their presence on the podium reinforced his argument that grave damage was being done to the medical profession as the result of high insurance premiums. The 78th Legislature agreed and capped medical malpractice damages.

Points to Ponder

In 2001, Texas juries awarded 24 of the nation's 100 largest jury verdicts. Four judgments were in excess of $100 million in that same year, including:

- A $454.5 million recovery against Comp USA, which was partially overturned
- A $312.8 million award against Horizon/CMS Healthcare Corp. (a nursing home operator), which was settled for $20 million
- A $130 million verdict in an asbestos suit
- A $108 million decision in an inheritance dispute involving fraud

The fourth largest judgment in the nation in 2002 was awarded by a Texas jury—$224 million against Ford Motor Co.

Source: $108 million inheritance dispute judgment from *National Law Journal;* all other figures from *Lawyers Weekly USA.*

Civil Trial Procedure

Rules of civil procedure for all courts with civil jurisdiction are made by the Supreme Court of Texas. These rules, however, cannot conflict with any general law of the state. Rules of civil procedure are enacted unless they are rejected by the legislature.

Pretrial Actions Civil cases normally begin when the **plaintiff** (injured party) files a petition, a written document containing the plaintiff's complaints against the **defendant** and the remedy that is sought—usually money damages. This petition is filed with the clerk of the court in which the lawsuit is contemplated, and the clerk issues a citation. The citation is delivered to the defendant, directing that person to answer the charges. If the defendant wants to contest the suit, he or she must file a written answer to the plaintiff's charges. The answer explains why the plaintiff is not entitled to the remedy sought and asks that the plaintiff be required to prove every charge made in the petition.

Before the judge sets a trial date (which may be many months or even years after the petition is filed), all interested parties should have had an opportunity to file their petitions, answers, or other pleas with the court. These written instruments constitute the pleadings in the case and form the basis of the trial.

Either party has the option to have a jury determine the facts. If a jury is not demanded, the trial judge determines all facts and applies the law. When a jury determines the facts after receiving instructions from the judge, the judge's only duty is to apply the law to the jury's version of the facts.

Trial of a Civil Case As a trial begins, lawyers for each party make brief opening statements. The plaintiff's case is presented first. The defendant has the opportunity to contest the relevance or admissibility of all evidence introduced by the plaintiff and may cross-examine the plaintiff's witnesses. After the plaintiff's case has been presented, it is the defendant's turn to offer evidence and the testimony of witnesses. This evidence and testimony may be challenged by the plaintiff. The judge is the final authority as to what evidence and testimony may be introduced by all parties, though objections to the judge's rulings can be used as grounds for appeal.

After all parties have finished their presentations, the judge writes a charge to the jury, submits it to the parties for their approval, makes any necessary changes they suggest, and reads the charge to the jury. In the charge, the judge instructs the jury on the rules governing their deliberations and defines various terms. After the charge is read, attorneys make their appeals to the jury, at which point the jury retires to elect one of its members as the foreman (presiding juror) and to deliberate. The jury will be given a series of questions to answer that will establish the facts of the case. These questions are called **special issues**. The judgment will be based on the jury's answers to these special issues. The jury will not be asked directly whether the plaintiff or the defendant should win. To decide a case, at least 10 jurors must agree on answers to all of the special issues in a district court, and 5 must agree in a county court or JP court. If the required number of jurors cannot reach agreement, the foreman reports a hung jury. If the judge agrees, the jury is discharged, otherwise they continue to deliberate. Either party may then request a new trial, which will be scheduled; otherwise, the case is dismissed.

A jury's decision is known as a **verdict**. On the basis of a verdict, the judge prepares a written opinion, known as the **judgment** or decree of the court. Either party may then file a motion for a new trial based on the reason or reasons the party believes the trial was not fair. If the judge agrees, a new trial will be ordered; if not, the case may be appealed to a higher court. In each appeal, a complete written record of the trial is sent to the appellate court.

Appeal of a Civil Case In a court of appeals or in the Texas Supreme Court, a case is heard by justices without a jury. The appellate court proceeds on the basis of the record sent up from the lower court and written and oral arguments by the lawyers. After the appeal has been heard in open court, the judges take the case to conference. There they discuss it among themselves and

arrive at a decision by a majority vote. The usual route of appeals is from a county or district court to a court of appeals and then, in some instances, to the Supreme Court of Texas.

Criminal Justice System

The State of Texas has identified more than 1,900 crimes that are classified as felonies. Less serious offenses are classified as misdemeanors. Features of the Texas Penal Code include **graded penalties** for noncapital offenses and harsher penalties for repeat offenders. Also provided is a two-step procedure for establishing whether a crime punishable by death (a **capital felony**) has been committed and, if so, whether a death sentence should be ordered.

Graded Penalties There are first-, second-, and third-degree **felonies**, for which imprisonment and fines may be imposed in cases involving the most serious noncapital crimes. Some lesser offenses (especially those involving alcohol and drug abuse) are defined as state jail felonies (so-called fourth-degree felonies) and are punishable by fines and confinement in jails operated by the state. If a deadly weapon is used, the offense is punished as a third-degree felony. There are also three classes of **misdemeanors** (A, B, and C), for which county jail sentences and/or fines are levied. (See Table 9.3 for categories of noncapital offenses and ranges of penalties.)

Enhanced Punishment A second conviction for a second- or third-degree felony or a third conviction for a state jail felony may result in enhanced punishment, meaning that repeat offenders are punished as though they had committed the next higher degree of felony. Enhancement of a first-degree felony raises the minimum sentence from 5 years to 15 years. A third felony conviction for a first-, second-, or third-degree felony allows a sentence of imprisonment ranging from 25 to 99 years or life. A second conviction for a sex-related felony automatically results in a sentence of life imprisonment, with no opportunity for parole for 35 years. Although enhancement does not apply to Class C misdemeanors, repeated Class B and Class A misdemeanor convictions result in minimum jail sentences of 30 days and 90 days, respectively. If a court decides that a criminal was motivated by hatred toward a particular group, enhancement results. In addition, a wide range of organized criminal activities, including those of street gangs, are given penalties one category higher than those for criminal activities involving only one or two persons.

Capital Punishment The federal government and 38 states, including Texas, impose the death penalty for specified crimes. Throughout the nation in mid-2003 there were approximately 3,500 men and women on death rows awaiting execution. This number was reduced significantly in January 2003 when then-governor George Ryan pardoned or commuted the sen-

Table 9.3 Selected Texas Noncapital Offenses, Penalties for First Offenders, and Courts Having Original Jurisdiction

Selected Offenses	Offense Category	Punishment	Court
Murder Theft of property valued at $200,000 or more	First-degree felony	Confinement for 5–99 years/life Maximum fine of $10,000	District court
Theft of property valued at $100,000 or more but less than $200,000 Aggravated assault, including a spouse	Second-degree felony	Confinement for 2–20 years Maximum fine of $10,000	District court
Theft of property valued at $20,000 or more but less than $100,000 Unlawfully taking a weapon to school	Third-degree felony	Confinement for 2–10 years Maximum fine of $10,000	District court
Theft of property valued at $15,000 or more but less than $20,000 Illegal recruitment of an athlete if the value of any benefits are more than $1,500 but less than $20,000	State jail felony	Confinement for 180 days–2 years Maximum fine of $10,000	District court
Theft of property valued at $500 or more but less than $1,500 Burglary of coin-operated machines Stalking with threat of bodily harm	Class A misdemeanor	Confinement for 1 year Maximum fine of $4,000	Constitutional county court and county court-at-law
Theft of property valued at $20 or more but less than $500 Possession of four ounces or less of marijuana Driving while intoxicated	Class B misdemeanor	Confinement for 180 days Maximum fine of $2,000	Constitutional county court and county court-at-law
Theft of property valued at less than $20 Advertising, preparing, or selling term papers and reports used by others Using false identification to attempt to purchase an alcoholic beverage	Class C misdemeanor	No confinement Maximum fine of $500	Justice of the peace court and municipal court (if offense committed within city limits)

How Do We Compare . . . in Executions?

Number of Executions by State Since 1976 (through February 2003)

Most Populous U.S. States	Total Executions	U.S. States Bordering Texas	Total Executions	Mexican States Bordering Texas	Total Executions[a]
Florida	54	Arkansas	24	Chihuahua	0
California	10	Louisiana	27	Coahuila	0
New York	0	New Mexico	1	Nuevo León	0
Texas	**297**	Oklahoma	57	Tamaulipas	0

Source: Death Penalty Information Center.

[a]The death penalty is prohibited in Mexico for both the federal government and state governments as of 2003.

tences of all 176 death row inmates in the Illinois prisons. Governor Ryan publicly struggled with his decision for more than three years after several death row inmates were found to be innocent. He first placed a moratorium on the imposition of the death penalty and ultimately commuted all death sentences and pardoned several wrongly incarcerated prisoners. Because of strict limits on the governor's powers of commutation and pardon, such a blanket action by the governor could not occur in Texas. (See the chapter "The Executive.")

In mid-2003, Texas had 451 inmates on death row (8 of whom were women). The Lone Star State leads the nation in the number of convicted felons executed since 1982 (more than 300 through 2003) and is second only to California in the number on death row.[9] Attempts to place a moratorium on the death penalty in Texas floundered in both the 77th and 78th legislative sessions (2001 and 2003).

Under the Texas Penal Code, a person commits murder if there is evidence of intent to kill or cause serious bodily harm to the victim. The presence of any of eight additional circumstances makes the crime a capital felony, for which the death penalty may be applied. In some instances the status of the victim changes the crime into a capital felony, such as:

- Being under the age of six
- Being a peace officer or firefighter
- Being a prison employee

In other situations, additional circumstances related to the crime or the murderer change the status of the offense, such as:

- Occurring while another felony (for example, robbery or a terrorist threat) is being committed
- Receiving payment or the promise of payment for committing the murder

- Occurring during a prison escape
- Murdering more than one individual
- Murdering another inmate while in prison if the murderer was originally convicted of murder or certain other crimes

After a jury has found a defendant guilty of a capital offense, it must answer two questions:

- Is there a probability that the defendant will commit criminal acts of violence that would constitute a continuing threat to society?
- Is there mitigating evidence in the defendant's background, such as child abuse or mental retardation, that warrants a sentence of life imprisonment rather than death?

The jury must unanimously answer yes to the first question and no to the second question to impose the death penalty. In determining punishment, jurors may also consider impact evidence concerning suffering (physical, emotional, and financial) experienced by relatives of the murdered person. In the event the jury cannot reach a unanimous decision to assess the death penalty, the convicted felon receives life imprisonment. Anyone receiving a life sentence for a capital felony must be imprisoned for a minimum of 40 calendar years, without credit for good conduct, before becoming eligible for release on parole. An affirmative vote of two-thirds of the 18-member Board of Pardons and Paroles is required for granting such release.

Although the federal government and 35 other states have the death penalty and life without parole as sentencing alternatives for capital felonies, the Texas Legislature has consistently rejected this option. Only after the U.S. Supreme Court abolished the execution of mentally retarded capital felons in 2002 did the state eliminate this practice. The 78th Legislature considered whether the proceeding to determine mental retardation should be separate from the murder trial, but failed to take any action. An appeal to the Texas Court of Criminal Appeals challenged the law that treats mental retardation as a mitigating circumstance that a jury does not have to consider.

Texas death penalty law has also conflicted with the laws of other nations, U.S. treaties, and the holdings of the World Court. Mexico does not have a death penalty, and in the summer of 2002, President Vicente Fox of Mexico canceled a meeting with President George W. Bush at his Texas ranch because neither President Bush nor Governor Rick Perry intervened to stay the execution of a Mexican citizen. Further controversy has arisen under the Vienna Convention on Consular Relations, a treaty signed by the United States and many other nations, including Mexico. Under the treaty's terms, individuals arrested by a foreign government must be given notice of their right to contact one of their home country's consulates and allowed the opportunity to do so. If you are traveling in Mexico and are arrested, you must be given the right to contact officials at a United States consulate. Conversely, a Mexican national

in the United States must be given the right to contact Mexican consular officials and seek legal help when arrested. Many foreign-born inmates have been denied this opportunity, including a number on death row. In 2003, the World Court temporarily suspended Texas's right to execute an inmate because he had been denied rights under the Vienna Convention. Governor Perry said he would ignore the holding; however, no execution date had been set for the inmate as of mid-2003.

If the death penalty is assessed, the prisoner has an automatic right of appeal directly to the Texas Court of Criminal Appeals, the highest Texas court to hear criminal matters. In this proceeding, the Court of Criminal Appeals reviews the record of the trial to determine whether any errors occurred in the handling of the trial. Fewer than 15 percent of convictions are overturned on appeal. Overturning a conviction does not mean that charges are dismissed. Rather, a new trial is usually scheduled, and the defendant is retried. In a separate proceeding, a convicted capital felon may also file a writ of habeas corpus to challenge the constitutionality of a conviction.

Prisoners who receive the death penalty cost the county and state taxpayers about $2.3 million on average for trial and appeal. Imprisonment for 40 years in a single cell, on the other hand, would cost about one-third of this amount. Despite the economic cost, the death penalty continues to be assessed.

For nearly a century, death by hanging was the means of capital punishment in Texas. Then, between 1924 and 1964, a total of 361 persons were put to death in "Old Sparky," the state's electric chair, now on display in a museum in Huntsville. Subsequently, because of federal court rulings, no executions occurred in Texas until December 1982, when the first condemned murderer to receive an intravenous lethal injection was put to death.

Criminal Trial Procedure

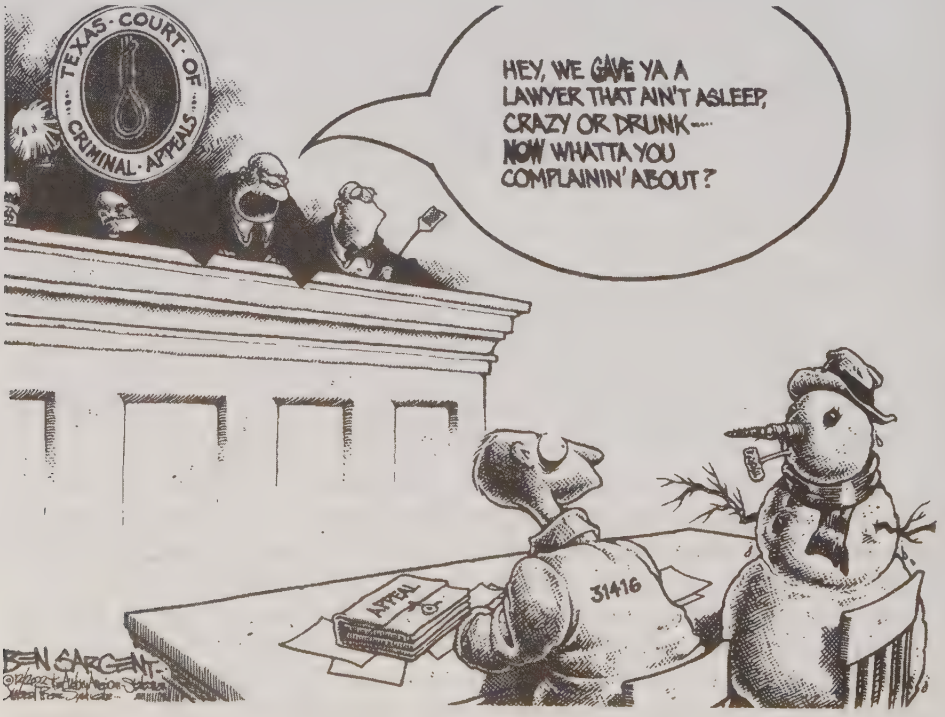
Rules of criminal procedure are made by the legislature. The Texas Code of Criminal Procedure was substantially revised in the 1960s to bring Texas procedures into line with U.S. Supreme Court rulings regarding confessions, arrests, searches, and seizures. Other changes resulted from pressure by the State Bar of Texas. Additional rules of procedure have been adopted by the legislature to promote fairness and efficiency in handling criminal cases.

Pretrial Actions Probably millions of illegal acts are committed daily in Texas. For example, many people drive faster than official speed limits allow or drive while under the influence of alcohol. After an arrest is made, but before questioning, a suspect must be informed of the right to remain silent, of the possibility that any statement may be used as evidence by the state, and of the right to consult with counsel (a lawyer). When a prosecuting attorney files charges, a suspect must be taken before a judicial officer (usually a justice of the peace) who names the offense or offenses charged and provides information

concerning the suspect's legal rights. A person who is charged with a noncapital offense may be released on personal recognizance (promising to report for trial at a later date), released on bail by posting personal money or money provided for a charge by a bail bond service, or denied bail and jailed.

People who cannot afford to hire a lawyer must be provided with the services of an attorney in any felony or misdemeanor case in which conviction may result in a prison or jail sentence. Research from Harris County indicates that those with appointed attorneys are twice as likely to serve time in jail or prison as defendants who hire attorneys. The Texas Court of Criminal Appeals has been reluctant to overturn convictions because a defendant alleged an attorney did not provide adequate representation. The court's response to complaints about the "snowman-attorney" representing the defendant in the cartoon illustrates what some believe is the court's view of indigent defense.

Reports of attorneys who were unqualified or slept through capital murder trials resulted in legislation in 2001 that changed the way Texas counties appoint attorneys for indigent defendants. Under the Texas Fair Defense Act, appointed defense counsel must meet minimum qualifications; attorneys must be appointed within 1 to 5 days of a defendant's arrest, depending on the county's population; and each county must establish a public defender's office,



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rotating appointment system, or an alternative system acceptable to county commissioners and the appropriate administrative judge.

Under Texas law, the right to trial by jury is guaranteed in all criminal cases. Except in a capital felony case in which the district attorney is seeking the death penalty, however, defendants may waive jury trial (if the prosecuting attorney agrees) regardless of the plea—guilty, not guilty, or nolo contendere (no contest). To expedite procedures, prosecuting and defense attorneys may engage in plea bargaining, in which the accused pleads guilty in return for a promise that the prosecutor will seek a lighter sentence or will recommend community supervision. Usually a judge will accept a plea bargain. If the defendant waives a trial by jury and is found guilty by a judge, that judge also determines the form and amount of punishment.

Trial of a Criminal Case After the trial jury has been selected, the prosecuting attorney reads an indictment or an information. The jury is thus informed of the basic allegations of the state's case, and the defendant enters a plea.

As plaintiff, the state begins by calling its witnesses and introducing any evidence supporting the information or the indictment. The defense may challenge the truth or relevance of evidence presented and is allowed to cross-examine all witnesses. Next, the defense may present its case, calling witnesses and submitting evidence that in turn is subject to attack by the prosecution.

After all evidence and testimony have been presented, the judge charges the jury, explaining the law applicable to the case. Both prosecuting and defense attorneys are then given an opportunity to address final arguments to the jury before it retires to reach a verdict.

Verdict and Sentence A unanimous decision is required for the jury to reach a verdict of guilty or not guilty. If jurors are hopelessly split and the result is a hung jury, the judge declares a mistrial, discharges the jurors, and, if requested by the prosecuting attorney, orders a new trial with another jury.

When a jury brings a verdict before a court, the judge may choose to disregard it and order a new trial on grounds that the jury has failed to arrive at a verdict that achieves substantial justice. In a jury trial, the jury may fix the sentence if the convicted person so requests; otherwise, the judge determines the sentence. A separate hearing on the penalty is held, at which time the person's prior criminal and/or juvenile record, general reputation, and other relevant factors may be introduced—such as facts concerning the convicted person's background and lifestyle as determined by a presentence investigation.

Appeal of a Criminal Case In 2003, the Texas Legislature enacted a law allowing 13 residents from Tulia (near Lubbock) to be released from prison without bond while their appeal of a drug-trafficking conviction was being considered by the Texas Court of Criminal Appeals. The individuals served four years after being convicted on the testimony of a discredited police informant found guilty of perjury. A convicted defendant also has the right to appeal on

grounds that an error in trial procedure occurred. When an appeal is made, the court clerk forwards the attorneys' briefs and the trial record to the appropriate appellate court. All capital punishment cases and a limited number of other criminal cases are taken directly to the Court of Criminal Appeals. Habeas corpus appeals that challenge the constitutionality of a conviction may be filed in state and federal courts. All other appeals are heard by the Court of Appeals in the district in which the trial was held. As with appeals in civil cases, appellate judges rely on the trial record, written briefs, and oral arguments by the attorneys.

Correction and Rehabilitation

Confinement in a prison or jail is designed to punish lawbreakers, deter others from committing similar crimes, and isolate offenders from society, thus protecting the lives and property of citizens who might otherwise become victims of criminals. Ideally, while serving a sentence behind bars, a lawbreaker will be rehabilitated and, after release, will obey all laws, find employment, and make positive contributions to society. In practice, approximately 25 percent of convicted criminals violate the conditions of their release or commit other crimes after being released, for which they are resentenced to prison.

The number of Texans who are either imprisoned or supervised by local and state criminal justice authorities is larger than in any other state. In 2001 (the most recent year for which information is available), one in every 21 adults in Texas (almost 750,000 individuals) was either incarcerated, on parole, or under community supervision (formerly known as probation). According to studies conducted by the Texas Criminal Justice Policy Council (no longer in existence), several factors influence the number of individuals under criminal justice jurisdiction, including:

- The crime rate, because an increase will likely result in new convictions
- The length of time individuals must remain under community supervision, because the longer the original sentences, the greater the number of individuals affected
- The length of prison sentences for felony convictions, because the longer the sentence, the longer the period of time an individual remains in the criminal justice system, either incarcerated or on parole

Texas's criminal justice policies and an increasing crime rate contributed to the state's ranking.

In response to high crime rates in the early 1990s, the Texas Legislature lengthened prison sentences. Over the past 10 years, the state's incarceration rate has grown by almost 140 percent, compared with an average national increase of approximately 50 percent. Many crimes now have minimum sentences in excess of 30 years, so the convicted criminal is subject to state control either in prison or on parole for that period of time. Further, the state has the

How Do We Compare . . . in Prison Population?

Prisoners Under the Jurisdiction of State Correctional Authorities (as of June 2002)

Most Populous U.S. States	Number of Prisoners	U.S. States Bordering Texas	Number of Prisoners
California	160,315	Arkansas	12,655
Florida	73,553	Louisiana	36,171
New York	67,131	New Mexico	5,875
Texas	**158,131**	Oklahoma	23,435

Source: Paige M. Harrison and Jennifer C. Karberg, *Bureau of Justice Statistics Bulletin: Prison and Jail Inmates at Midyear 2002.* (Washington, D.C.: U.S. Department of Justice, April 2003), 3, **www.ojp.usdoj.gov**.

largest population under community supervision for misdemeanor and felony offenses of any state in the country. A possible explanation is that community supervision terms for nonviolent offenders are 67 percent longer in the Lone Star State than the national average. The cost of maintaining such an extensive criminal justice system is leading some people to question whether there are alternatives to traditional methods of punishment for criminal offenses.

A Changing Focus

As the number of prison and jail inmates increased in Texas and throughout the nation in recent years, criminologists debated whether imprisonment is a significant deterrent to crime. Proponents of tougher prison sentences argued that lengthy incarceration is needed to incapacitate prisoners—in other words, to keep prisoners from committing additional crimes. Opponents stressed that many prisoners are guilty of low-level drug offenses and other nonviolent crimes and are not a serious threat to the public. Further, citing Texas as an example, experts noted that high incarceration rates do not correspond to low crime rates. They insisted that any reduction in crime in recent years is attributable to a decline in the crime-prone population (males between ages 13 and 24), not to confinement. Critics further contended that imprisonment is costly and diverts funds from crime prevention programs. Experts have clearly not reached a consensus on the causes of or deterrents to crimes.

Policymakers have become increasingly concerned about the need for crime prevention and alternative-to-prison programs. In recognition that taxpayers lack infinite resources to build and fund prisons, emphasis has begun shifting to programs intended to deter young Texans from criminal activity. Prison officials have recognized a need to teach work and academic skills to inmates so they can hold jobs on their return to the community. Criminologists and lawmakers agree that incarceration cannot be the sole solution to deterring crime in Texas.

The Texas Department of Criminal Justice

The principal criminal justice agencies of the state are organized within the Texas Department of Criminal Justice (TDCJ). This department is headed by the nonsalaried Texas Board of Criminal Justice, composed of nine members appointed by the governor (with advice and consent of the Senate) for overlapping six-year terms. The governor selects one member to chair the board. In 2003, Governor Rick Perry nominated Christina Melton Crain, a Republican attorney from Dallas, as chair. Once approved, she became the first woman to head the board, which employs a full-time executive director who hires directors of the department's divisions. Each division director is responsible for hiring division personnel. About 42,000 Texans were employed by TDCJ in 2002 (the most recent year for which official figures are available). These employees were responsible for approximately 147,000 inmates who were incarcerated in units under the supervision of TDCJ.

Operation and management of state prisons, state jails, and other specialized facilities is divided among three divisions at TDCJ: the Institutional Division, the State Jail Division, and the Private Facilities Division. Older units are located largely in East Texas, but recent construction programs have established several new prison units throughout Texas. Figure 9.2 shows the location of prison and state jail facilities across the state. Table 9.4 provides a breakdown of which divisions oversee the different facilities. The Institutional Division is responsible for all high-security units as well as prisons that house lower-risk inmates. In addition, it operates medical and psychiatric facilities plus transfer units that house convicted felons awaiting transfer to a prison. The Institutional Division also operates two units for those awaiting parole or release and an Intermediate Sanctions Facility for those who have committed technical parole violations.

The State Jail Division is responsible for facilities that incarcerate individuals who have been convicted of state jail felonies. These institutions are designed for nonviolent offenders. Most of those incarcerated in these units are intended to undergo treatment for drug and alcohol abuse and other rehabilitative programs, which were severely cut in 2003. Inmates in these units often participate in community service projects such as growing vegetables for food banks.

In 2000, the Executive Director of TDCJ created the Private Facilities Division to oversee and monitor those facilities operated by private contractors such as Corrections Corporation of America. Prisoners assigned to privately operated units are those classified as requiring minimum security. Private contractors also operate most of the state's Intermediate Sanction Facilities, prerelease facilities, and halfway houses. Further, these same companies also provide management for transitional treatment centers for substance abusers. Neither halfway houses nor transitional treatment centers are defined as incarceration units.

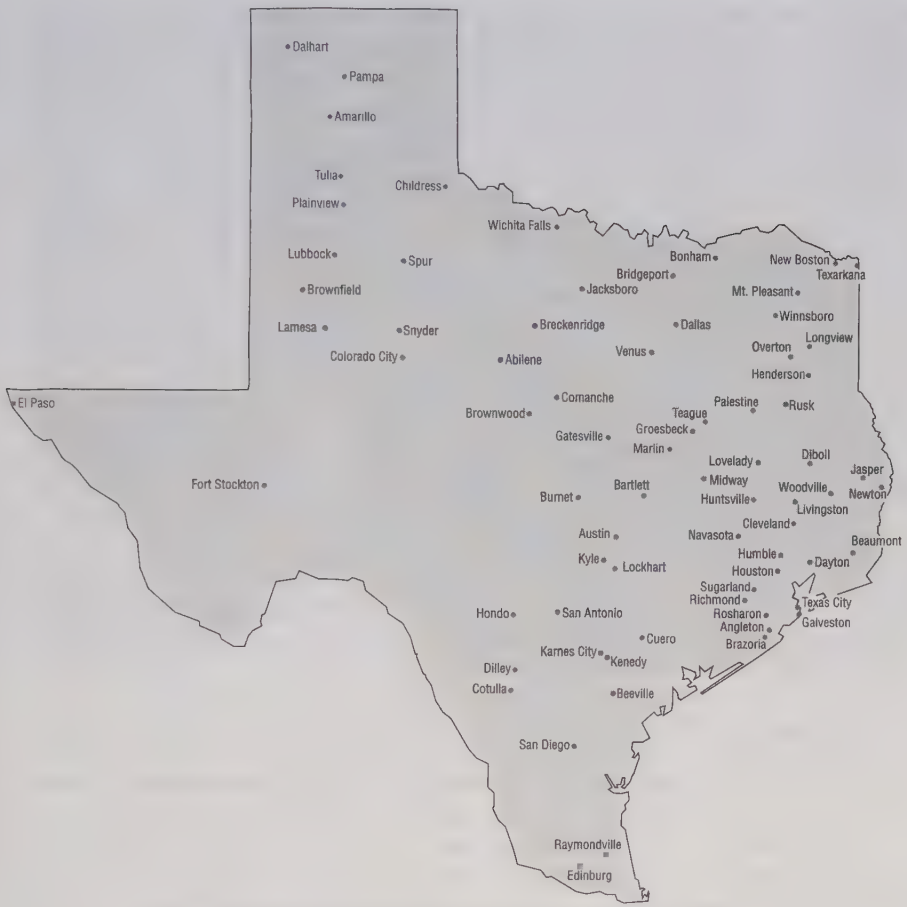


Figure 9.2 Facilities of the Texas Department of Criminal Justice, August 2002 *Source:* Texas Department of Criminal Justice.

Two agencies are responsible for convicted criminals who serve all or a part of their sentences in the community. The Community Justice Assistance Division establishes minimum standards for county programs involving community supervision and community corrections facilities (such as a boot camp or a restitution center). Programs that meet the division's standards are certified for state funding. The Pardons and Paroles Division manages Texas's statewide parole and mandatory supervision system for convicted felons. The 18-member Board of Pardons and Paroles recommends acts of clemency (such as pardons) to the governor and grants or revokes paroles.

Table 9.4 Texas Incarceration Units (2002)

Responsible Division	Type of Units	Number of Units
Institutional Division	Prisons	51
	Transfer facilities	13
	Psychiatric units	3
	Medical unit	2
	Substance abuse felony punishment facility	1
	Mentally retarded offender program facility	1
	Prerelease facility	2
	Intermediate sanction facility	1
Total		74
State Jail Division	State jails	17
	Substance abuse felony punishment facility	8
Total		25
Private Facilities Division	Prisons	7
	Intermediate sanction facility	4
	Preparole transfer facility	2
	Multiuse facilities	2
Total		15
Grand Total		114

Source: Statistical Summary, Fiscal Year 2002, Texas Department of Criminal Justice, 2002.

Criminal Justice Policy Council

After the regular legislative session ended in 2003, to the surprise of state legislators, Governor Rick Perry eliminated the Criminal Justice Policy Council. Through the use of the line-item veto, the governor vetoed funding for the agency. The Council provided statistical analysis for the development and evaluation of the state's criminal and juvenile justice policies and predicted changes in the state's prison population. Governor Perry noted that some of these services would be absorbed by other agencies or subcontracted to private businesses.

State Institutions of Corrections for Adults

Adult offenders who are sentenced to confinement on misdemeanor convictions are housed in a county jail or another type of community corrections facility. After being sentenced to confinement following a felony conviction, an adult is supposed to be incarcerated in a state prison unit or state jail within 45 days. When Texas prisons become overcrowded, they are unable to accept convicted felons in a timely manner. This has sometimes resulted in overcrowding in county jails.

The Prison System Huntsville is the headquarters of the Institutional Division of the Texas Department of Criminal Justice (TDCJ), which is the administrative successor to the former Texas Department of Corrections (TDC).



An inmate student receives assistance from his teacher in a Windham Independent School District classroom. (*Photo from* Windham School: A National Leader in Correctional Education, Schools in the Texas Department of Criminal Justice. *Photo courtesy Windham School District, Huntsville, TX.*)

Correcting or modifying the behavior of convicted felons is a goal of TDCJ's Institutional Division. Programs of training and instruction are used to rehabilitate inmates and equip them with a means for self-support after release. Discipline and education are the primary means of combating **recidivism** (criminal behavior resulting in reimprisonment after release). Every prisoner must be given a job but may elect not to work. The work these prisoners perform saves the state money and, in some instances, generates revenue for the state. Prisoners repair engines, make laundry detergent and bath and dishwashing soaps, perform all types of agricultural labor, and even make the wooden gavels used by the presiding officers of the Texas House of Representatives and Senate. Over half are enrolled in vocational and academic classes offered through the prison system's Windham Independent School District. College-level courses are also available. Approximately 70 percent of the prisoners have less than a high school education, one-third are functionally illiterate, and approximately 7 percent are classified as mentally retarded, having scored less than 70 on an IQ test. (Only 3 percent of the general population tests as being mentally retarded.) According to estimates by TDCJ officials,

between 85 and 90 percent of prisoners committed crimes while under the influence of narcotics, were drug users, or were convicted of drug-trafficking crimes. Because drug offenders are the most likely recidivists, some substance-abuse counseling is available. Evaluation of the effectiveness of these counseling programs indicates they have a dramatic impact on recidivism rates if prisoners complete the program. Unfortunately, more than half of those beginning such a program fail to complete it; thus overall success rates are low.[10]

Points to Ponder

In 2002:

- The Windham School District issued 5,347 General Equivalency Diplomas.
- Community colleges awarded 445 associate's degrees to TDCJ inmates.
- Fifty-seven inmates received bachelor's degrees from universities.
- Of the 116 participants in graduate degree programs, 7 received master's degrees.

Prison Problems During the 1980s, much controversy and litigation surrounded the Texas prison system. U.S. district court judge William Wayne Justice's ruling in *Ruiz* v. *Estelle* (1980) established the framework for a complete reorganization and expansion of the Texas penal system. He condemned the overcrowded, understaffed, substandard facilities and ordered sweeping changes in policies and operations. Justice returned most of the control of the prison system to the state in a settlement entered in 1992. The U.S. Fifth Circuit Court of Appeals ordered Judge Justice to justify his continued supervision of portions of state prison operations in mid-2001. The court's decision was based on the federal Prison Litigation Reform Act, which limits the power of federal judges over state prison systems. Justice ended his supervision of the prison system in 2002.

At the time of the Ruiz trial, Texas had 18 prison units and almost 25,000 inmates. From 1980 through 1992, under Justice's direction, the state built an additional 89 units to accommodate a prison population of more than 140,000. More units have been built since 1992, and the number of prisoners has increased. During construction of these units, to avoid overcrowding, state prisons released nonviolent offenders through grants of unearned good-time (good behavior) credits. Convicted felons only served about one month for each year of their prison sentences. After the early release of a number of violent offenders, several of whom then committed additional murders and other vicious crimes, the Texas Legislature ended mandatory release programs. Figure 9.3 outlines the history of Texas prison reform for both adults and juveniles over the last three decades.

At the beginning of the twenty-first century, Texas prisons face new challenges. An aging prison population adds to the cost of incarceration because of extra health care expenses. An increasing number of gangs have formed within the prison system. Their control extends to the free world. Many gang members and violent inmates are held in administrative segregation cells. Here, they have little or no contact with anyone other than cor-

Broken System 1979–1986	Early Reforms 1987–1989	Massive Reforms to Adult System 1990–1994	Juvenile Reforms Adult Stabilization 1995–2001	Maintain Balance Improve Effectiveness 2001–on
Massive prison overcrowding	First significant prison construction and enhancement of probation policies	Closed prison revolving door	Reformed juvenile justice and began TYC and detention capacity expansion	Reformed indigent defense and authorized DNA post-conviction evidence
Federal court intervention in prison system	Litigation by counties against the state for jail overcrowding caused by state inmates	Created State Jails	Created Tier of Rehabilitation Facilities	Funded Enhanced Mental Health Initiative
Growing backlog of inmates in county jails		Adopted "Duty-to-Accept" prisoners	Consolidated crime prevention programs	Implemented parole guidelines and alternatives to technical revocations
Prison revolving door releasing offenders to manage crowding		Began 100,000 prison bed expansion	Increased punishment and supervision of sex offenders	Funded correctional officer pay increase
		Created Correctional Substance Abuse Treatment Initiative		Allowed for prison reserve capacity to manage population

Figure 9.3 History of the Reform of Adult and Juvenile Justice Systems *Source:* Criminal Justice Policy Council, *Biennial Report to the Governor and the 78th Texas Legislature,* January 2003.

rections officers and primarily live in isolation. Concern is increasing regarding how these individuals will integrate into society after their release. Despite segregation of these offenders, prison security remains an issue. There have been several successful escapes and frequent physical attacks on guards and other prison personnel. Prison overcrowding emerged as an issue in 2003 when admissions to TDCJ units began exceeding releases by 500 inmates per month.

The combination of questionable security, more violent prisoners, and guard understaffing has created a dangerous environment for employees and convicts alike. Low pay and difficult working conditions resulted in high turnover rates of approximately 25 percent annually for correctional officers. In recent years, pay increases, improved training, and additional safety measures (pepper spray, stab-resistant vests, and personal body alarms) have enhanced working conditions and reduced annual turnover to just over 20 percent. As the nation increased its military preparedness after 11 September 2001, some guards were called to active duty with their National Guard and military reserve units. These call-ups created additional vacancies in correctional officer positions.

State Felony Jails The Texas Penal Code provides for a system of state jails to house people convicted of state jail felonies. Such a system is designed to accommodate nonviolent offenders, thus leaving space for violent criminals in the more expensive prison units and at the same time relieving the overcrowding in county jails. State jails are rehabilitation oriented. Allowing judges to

sentence offenders to "up-front" time (a period of incarceration preceding community supervision), the law also provides for substance abuse treatment and other support programs, many of which were reduced or eliminated in 2003. Some judges have been reluctant to utilize this sentencing mechanism, however, because they do not believe there is enough incarceration time for prisoners.

Local Government Jails

Unlike the state felony jails, which are funded through appropriations made by the Texas Legislature, county and city jails are financed largely by county and municipal governments, respectively. Like penal institutions of the TDCJ, however, these local jails are used to control lawbreakers by placing them behind bars.

County Jails All but 15 Texas counties maintain a jail. Nineteen counties have contracted with commercial firms to provide "privatized" jails, but most counties maintain public jails operated under the direction of the county sheriff. These penal institutions were originally established to detain persons awaiting trial (if not released on bail) and to hold individuals serving sentences for misdemeanor offenses. Jail facilities vary in quality and usually do not offer rehabilitation programs.

The Texas Commission on Jail Standards is responsible for establishing minimum standards for county jails, requiring an annual jail report from each county sheriff, reviewing jail reports, and arranging for inspection of jails. In case of failure to comply with commission rules, a jail may be closed, or the commission, represented by the attorney general, may take court action against the county.

During the early 1990s, counties were paid a per diem while prisoners awaited transfer to state prisons. The resulting overcrowding of county jails led to prisoner lawsuits and federal mandates to counties to eliminate the overcrowded conditions. As Texas's prison building program was completed, state facilities were able to accommodate the state's convicted felons. Some counties leased their jails to private companies. Others contracted to accept inmates from other states for a fee of $30 to $45 per diem. Evidence of prisoner abuse by county jailers and a lack of rehabilitation programs have greatly limited this practice. As of early 2003, county jails were operating at approximately 75 percent of capacity. When state prisons once again become overcrowded (perhaps as early as late 2003), there are beds available in county jails.

Municipal Jails Although a Texas city is not required by law to have a municipal jail, there are more than 300 in the state. Some are used primarily as "drunk tanks" in which to detain people for a few hours after they have been arrested for public intoxication. Other municipal jails in large cities house

hundreds of inmates who have been arrested for a variety of Class C misdemeanors or violations of city ordinances. Some inmates may "lay out" a fine for a traffic violation because they are unable or unwilling to pay; others may have committed violent crimes and are held temporarily until they can be transferred to a more secure county jail. The quality of municipal jail facilities varies greatly, and they are not subject to regulation by the Texas Commission on Jail Standards, unless the jail is managed by a private vendor or houses out-of-state prisoners.

Private Prisons

Texas also has dealt with its prison crisis by contracting with private prison operators to construct and operate prisons and prerelease programs. Those private prison units that house convicted Texas felons are under the supervision of the Private Facilities Division of the TDCJ. Some counties privatized their facilities. Texas has more privately operated facilities than any other state.

Some private operators contract with the federal government and other states to house prisoners. States placing prisoners in private correctional units in Texas must contract with the local county or city for this service. The governmental entity then contracts with the private facility. This procedure transforms the private unit into a county or city jail, which is then subject to regulation by the Texas Commission on Jail Standards. The commission oversees all local jails that house out-of-state inmates. In addition, operators of private facilities must reimburse the state if state assistance is required to deal with an emergency, such as catching an escaped inmate or quelling a riot.

Supervision of Released Offenders

Although Texas prisons and jails are usually successful in isolating lawbreakers, these institutions have left much to be desired in the area of rehabilitation. Confinement is expensive for taxpayers and often produces embittered criminals rather than rehabilitated, law-abiding citizens. Thus, criminal justice reform measures in recent years have emphasized supervision of released offenders and effective rehabilitation.

Community Supervision In cases involving adult first-time offenders convicted of misdemeanors and lesser felonies, jail and prison sentences are commonly commuted to community supervision, formerly termed adult probation. Thus, convicted persons are not confined if they fulfill certain court-imposed conditions. Judges are allowed to be creative in setting probation terms. In an effort to deter crime (and, coincidentally, attracting significant media attention), judges have used public humiliation techniques such as requiring a child molester to post a warning sign on the front door of his home or directing a thief to carry a sign advertising his guilt in front of a store from which he has

stolen. Despite these efforts, more than 40 percent of probated felons violate their probation conditions and serve time in prison.

The district judge or judges trying criminal cases within a district must establish a community supervision and corrections department and hire personnel to conduct presentence investigations, supervise and rehabilitate defendants placed under community supervision, enforce community supervision rules, and employ personnel to staff corrections facilities. Judges of county courts-at-law that try criminal cases may participate in managing the department. A county commissioners court may establish a county correctional center under the operational direction of the sheriff.

Parole Prisoners who have been incarcerated for some portion of their sentence may be eligible for parole. Murderers, armed robbers, and other violent offenders must serve half of a prison sentence or 30 years (whichever is less) before they can be considered for release on parole. Persons receiving a life sentence for aggravated kidnapping, aggravated sexual assault, or indecency with a child must serve at least 35 years, and those receiving a life sentence for capital murder must serve at least 40 years. These are periods of "flat time" (without the possibility of having prison time reduced for good behavior). Other offenders may apply for parole after serving one-fourth of a sentence or 15 years, whichever is the lesser (minus good-time credit, time off for good behavior). Good-time credit is used to discourage prisoners' frivolous lawsuits. Prisoners who file two or more frivolous lawsuits in a year, as determined by a court, can lose up to six months of good-time credit, thus lengthening the period until they are eligible for parole.

Application for parole is made to the Board of Pardons and Paroles. This board is composed of 18 full-time salaried members appointed by the governor with advice and consent of the Senate to serve for six-year terms. A panel of three parole board members reviews applications and recommends granting or denying parole for felons who are imprisoned or in jail. In the case of a person serving a capital felony sentence, a two-thirds vote of the entire membership of the board is required for granting parole. In an effort to make the decision for or against granting parole an objective one, the Texas Legislature required the board to establish guidelines. Applications for parole are reviewed based on two factors:

- What is the likelihood an individual will be rearrested for committing a new crime if released? Among the characteristics considered in making this determination are the applicant's age, history of gang membership, employment history, and disciplinary history in prison.
- For what crime is the applicant currently incarcerated? All of the felonies identified in the Penal Code have been rated based on their severity. Nonviolent crimes, such as credit card abuse, have the lowest rating; capital murder has the highest.

The individual's probability of successfully completing parole is evaluated by combining the scores of these two factors. The Criminal Justice Policy Council noted in an evaluation of the program that applicants with the greatest likelihood for success were not being released at expected levels by the board in 2002 and 2003. This reluctance was a contributing factor to the rapid increase in the number of prison inmates during that period of time.

A panel of board members conducts hearings to determine whether parole or release to mandatory supervision (such as residence in a halfway house) should be granted. In addition to requiring that a parolee report periodically to a local parole officer, the board may specify that a parolee must submit to drug testing and/or electronic monitoring. Before release, arrangements must be made for the parolee's employment or maintenance and care.

A parolee's status is similar to that of a person under community supervision. Thus, a parolee is expected to report regularly to a parole officer, refrain from all illegal conduct, and fulfill other conditions imposed by the board, such as making reparation or restitution to victims of the parolee's crime. Parolees also pay a monthly administrative fee of $8. Paroled sexual offenders must register with a local law enforcement agency in any county where they will reside for more than seven days. Notice must be published in Spanish and English in a local newspaper at the expense of the felon. This notice must include the street and zip code of the offender's residence. The same information is also available on the Internet and may include a photograph of the offender. Prisoners have often furnished incorrect information on their whereabouts to this web site. Failure to comply with conditions of parole may result in revocation of parole, and the parolee will be imprisoned to serve out the full sentence.

Granting and revoking parole are the major methods for controlling population in the state prison system. As parole approval rates declined to 20 percent or less and parolees were reincarcerated for technical violations of parole conditions, the prison population soared. When approval rates increased and the state developed alternative ways to deal with minor parole violations, the prison population stabilized. With the budget shortfall facing the 78th Legislature, pressure mounted to liberalize these policies. The comparison of costs of imprisonment, treatment options, community supervision, and parole shown in Table 9.5 illustrates the apparent cost-effectiveness of parole and community supervision relative to other alternatives.

Rehabilitation As prison sentences in Texas lengthened, emphasis shifted to providing rehabilitation programs for prisoners within two years of exiting the system. The first effort to alter this system occurred when Prison Fellowship Ministries opened the InnerChange Freedom Initiative program at the Carol Vance Unit near Houston. Prisoners within two years of release who volunteered for the program were transferred to Vance, where they enrolled in the intensive prerelease project. Provided free to the prison system, the

Table 9.5 Inmate Cost per Diem in Texas Criminal Justice Programs

Criminal Justice Program	Inmate Cost per Diem
Incarceration (TDCJ systemwide)	$44.01
Incarceration (death row—male)	$60.32
Incarceration (death row—female)	$131.82
Incarceration (state jail)	$37.35
Substance abuse felony punishment program	$52.25
Parole supervision (regular)	$3.07
Halfway house (state cost only)	$30.61
Intermediate sanction facilities (for parole violators)	$32.42
Community supervision	$2.13
Substance abuse treatment facilities (state cost only)	$67.56

Source: Texas Criminal Justice Policy Council.

program includes life-planning activities, seminars to restore family relationships, Bible study courses, and volunteer mentors from outside the prison system. Released participants receive support services and assistance after they reenter the free world. This program is an example of **charitable choice**, a movement that encourages collaboration between governmental agencies and religious groups to solve social problems. Evaluation of the program in 2002 reflected a high level of success for those individuals who completed all aspects of the program. The two-year recidivism rate for program completers was 8 percent, compared with almost 25 percent for the prison population as a whole. Whether these programs violate the establishment of religion clause of the First Amendment has not been determined.

Juvenile Justice

In response to a rapidly rising crime rate among Texas youth in the 1990s, the legislature overhauled the state's juvenile justice laws. Creating a juvenile justice system that clearly distinguishes between youthful pranks and violent, predatory behavior, legislators stiffened punishment for violent youth, created more detention bed space, and provided for counseling and other services for children (including those as young as seven) who are considered to be at risk for developing behavioral problems. The law also allows the photographing and fingerprinting of juveniles arrested for a Class B misdemeanor or a more serious offense; requires that a database of juvenile records be maintained by the Texas Department of Public Safety for use by state and local law enforcement agencies; holds parents liable for the conduct of their children; and authorizes state funding for the construction of county detention facilities.

Generally, young Texans who are at least 10 years of age but under 17 are treated as "delinquent children" when they commit acts that would be classified as felonies or misdemeanors if committed by adults. Children are desig-

nated as "status offenders" if they commit noncriminal acts such as running away from home, failing to attend school, or violating a curfew established by a city or county.

State and Local Agencies

Under Texas law, each county is required to have a juvenile probation board that designates one or more juvenile judges, appoints a chief juvenile probation officer, and makes policies that are carried out by a juvenile probation department. Some boards and departments serve more than one county. Overseeing these county departments is the Texas Juvenile Probation Commission (TJPC). Its nine members are appointed by the governor with the consent of the Senate. The TJPC allocates state funds to county juvenile boards, trains and certifies juvenile probation officers, and sets standards for local detention and probation facilities. Supervising the rehabilitation and training of delinquent youths is the responsibility of the Texas Youth Commission (TYC). The six members of the TYC are appointed by the governor with Senate approval.

Procedures and Institutions

Although juvenile offenders are arrested by the same law enforcement officers who deal with adult criminals, they are detained in separate facilities. Counseling and probation are the most widely used procedures for dealing with juvenile offenders. An increasing number of delinquent youths, however, are placed on probation in local boot camps and residential treatment centers or committed to facilities operated by the TYC.

Referral An arresting officer has the discretion to release a child or refer the case to a local juvenile probation department, which may place the child in detention. Other children may be referred to such a department by school officials, crime victims, and even parents. Thus, in one way or another, more than 150,000 Texas youths enter the state's juvenile justice system each year.

Court Procedures Trials in juvenile courts are termed adjudication hearings. The county or district attorney represents the state; the youth may be represented by a lawyer, question witnesses, and testify or remain silent. A jury will hear the case if requested, but most adjudication hearings do not involve a jury. These proceedings must be open to the public, unless the judge has good cause for not allowing it. In all cases, the victim has the right to be present. Juvenile courts are civil rather than criminal courts; therefore, any appeal of a court's ruling will be made to the appropriate court of appeals and ultimately (in a few cases) to the Texas Supreme Court.

If the court finds that a youth needs rehabilitation or that the public must be protected from the juvenile, a disposition hearing is held. A child is not entitled to a jury for a disposition hearing; thus, that hearing is conducted by the juvenile judge presiding over the case. The state's attorney introduces

into evidence a social history prepared by the probation officer. This document describes the youth's background, record of behavior, and formal education. Then the court decides whether to dismiss the case, put the youth on probation, or commit the youth to a TYC facility.

A Juvenile Determinate Sentencing Law is available for about 20 different offenses. This sentencing provision allows incarceration in an adult prison for as long as 40 years for juveniles who commit offenses such as capital murder and aggravated sexual assault. First, a person sentenced under this law is committed to a TYC facility. Once the juvenile turns 18, a release hearing is conducted. At the hearing the court decides whether the offender will be released on parole, retained in a TYC facility until 21 years of age, or transferred to the Institutional Division of the TDCJ.

Juvenile courts may waive their exclusive original jurisdiction and transfer a child to the appropriate district court for criminal proceedings if the child is 14 or older and committed a capital or first-degree felony, or is 15 or older and committed a capital, first-, second-, or third-degree felony. The state has created a Youthful Offender Program to work with inmates aged 15 to 19. It is divided into two components, one that focuses on education and treatment and another that includes work and treatment. The program has shown positive results in reducing disciplinary problems with young inmates.

Texas Youth Commission Facilities Juveniles who violate terms of probation or are found delinquent for a serious criminal offense may be confined to TYC training schools and boot camps located across the state. A 1998 study conducted by the Koch Crime Institute indicated that boot camps are no more successful than incarceration in reducing recidivism of juvenile offenders. Over the past few years, Texas has increased available facilities for juveniles. It is anticipated, however, that by the year 2006 approximately 6,200 juveniles will be housed in TYC facilities. This number will exceed available capacity by 300 offenders.

Also, TYC operates halfway houses for juveniles who need minimum supervision. It contracts with privately operated, community-based residential programs that provide vocational training, drug treatment, General Equivalency Diploma (GED) preparation, and other services.

Prevention Recidivism rates for juvenile offenders who have been incarcerated remain high. Studies indicate that programs encouraging high-risk students to complete school or teaching parenting skills are much more effective than juvenile incarceration in lowering crime rates. Changes to the juvenile justice system in 1997 mandated school districts to create alternative schools to educate students with behavioral problems.

In an effort to increase parental involvement, the Family Code requires attendance by parents at all juvenile court proceedings and allows a judge to order parents to perform community service obligations with their children, pay restitution to victims, pay child support to offset their children's incarceration

costs, and continue paying health insurance premiums for their children during incarceration. Judges can also order parents to attend parenting classes. Some critics have labeled these efforts "designer justice" and argue that parental responsibility is only a fad that will have no effect on juvenile crime rates. As the cost of incarceration has increased and the fear that youths are becoming more violent has escalated, alarmed Texans have become receptive to almost any ideas that embrace accountability, responsibility, and punishment.

Problems and Reforms: Implications for Public Policy

Throughout the late twentieth century, Texas's criminal justice system experienced a series of crises resulting from an increase in violent crimes and stiffer sentences for criminals. The legislature responded (often slowly) with authorizations for more courts and judges, increased appropriations for correctional institutions and facilities, changes in probation and parole systems, new punishment and sentencing alternatives, and expanded programs for the rehabilitation of offenders. By contrast, twenty-first-century legislatures have recognized the need to assure that the system is fair to all. Postconviction DNA testing, improved indigent defense, and increased damage payments to those wrongfully imprisoned are some of the new state reforms. This section describes ongoing efforts to deal with other policy areas.

Coping with Crowded Dockets

Few people will dispute the adage "Justice delayed is justice denied." Yet one of the most common problems facing Texas's courts is that of court dockets swelling with cases awaiting trial. One solution to the problem of overloaded dockets is to provide more judges. Thus, from session to session, the legislature has established a growing number of courts. Lawmakers have also responded to an ever-increasing volume of litigation by providing for the movement of cases from an overworked court to another court with a lighter docket (that is, a short list of pending cases). In addition, the Texas Legislature has authorized the temporary assignment of active and retired judges to courts with crowded dockets. Furthermore, litigants are encouraged to use one of the alternative dispute resolution procedures.

To reduce court workloads, speed the handling of civil disputes, and cut legal costs, each county is authorized to set up a system for **alternative dispute resolution (ADR)**. Such a system is defined by law as "an informal forum in which mediation, conciliation, or arbitration is used to resolve disputes among individuals, including those having an ongoing relationship such as relatives, neighbors, landlords and tenants, employees and employers, and merchants and consumers." Courts also refer many pending civil lawsuits to mediation (in which an impartial mediator facilitates communication between the parties in a conference designed to allow them to resolve their dispute) or

arbitration (in which impartial arbiters hear both sides and make an award that is binding or nonbinding, depending on the parties' previous agreement) and other ADR processes. As more businesses include binding arbitration clauses in their contracts, some observers criticize a practice that they say limits access to courts for consumers and is more costly than court proceedings. Collaborative divorce is another method for resolving disputes outside the courtroom. In 2001, Texas became the first state to pass laws that codified this practice. The couple and their attorneys resolve all disputes in a nonadversarial manner. The court issues orders based on these agreements. One study indicated that couples who participated in collaborative divorces paid attorney's fees that were 70 to 90 percent lower than those paid to attorneys for a traditional divorce. If negotiations fail and the proceeding becomes adversarial, both attorneys must resign and the parties must find new lawyers.

Judicial Selection

In the late 1980s, Chief Justice John Hill resigned from the Supreme Court of Texas to fight for reform of the state's judicial selection system. To some observers, tightly contested Supreme Court electoral races suggest that Texas voters have been well informed and discriminating in their support of judicial candidates. Thus, it is argued that the system of partisan election by popular vote has produced good results. On the other hand, many Texans agree with John Hill's principal criticisms of the state's judiciary: that judges are elected as candidates of political parties and the expensive election campaigns of judicial candidates are financed largely with contributions from lawyers who practice in their courts and special-interest groups representing business and industry.

Critics of partisan election of judges tend to favor a merit selection model such as those used in Missouri and most other states. The **Missouri Plan** features a nominating commission that recommends a panel of names to the governor whenever a judicial vacancy is to be filled. The appointee then serves for a year or so before the voters decide, on the basis of his or her record of judicial performance, whether to give the new judge a full term or allow the nominating commission and the governor to make another appointment on a similar trial basis.

Efforts to change the way judges are selected in Texas have consistently failed in the legislature. Proposals to choose state judges through a combination of gubernatorial appointments, popular elections, and retention elections (in which voters have an opportunity to approve or disapprove an appointee) have failed in every legislative session since 1995. Texas remains one of only four states in which all judges (except municipal court judges) are chosen in partisan elections and then reelected through the same procedure. The other three states are Alabama, Louisiana, and West Virginia.

Fundraising limits have been set for judicial candidates, however. The amount any individual or law firm can now donate to a judge's election cam-

paign is restricted to $5,000 and $30,000, respectively, in statewide races and to lesser amounts in district elections. Tom Phillips, chief justice of the Texas Supreme Court, continues to campaign for reform in the way judges are selected for Texas courts. He favors an **appointment-retention system** for all courts of record.[11] Chief Justice Phillips does not agree, however, with the conclusion of Texans for Public Justice, a special-interest group that monitors court decisions and elections. The group argues that attorneys who make campaign donations to Supreme Court justices increase the likelihood that their cases will be heard by the court. To demonstrate his true concern about how accepting campaign contributions appears to taint the judicial system, Chief Justice Phillips refused to accept any campaign donations in the 2002 elections. Even though he was opposed in the general election by both a Democrat and a Libertarian, he won reelection with over 57 percent of the vote.

Partisan election of judges became even more of an issue in the 2002 election, after the United States Supreme Court held that judicial candidates could express their views on policies that might come before them for decision after election. Traditionally, judges have refused to express what they might decide on a particular issue, because to do so would be to decide a case even before they heard the evidence. The decision in *Republican Party of Minnesota* v. *White* holds that to prohibit a judicial candidate from expressing such an opinion in an election campaign violates free speech. Immediately after the decision was rendered, then-candidate Stephen Wayne Smith sued, claiming Texas laws limited his free speech rights. An Austin federal judge agreed with him. As a candidate, Smith made clear that he opposed affirmative action and the current school finance system. Furthermore, he called for a restrictive interpretation of the Texas Parental Notification Act, which allows some minors to avoid telling their parents about an abortion. Smith's Democratic opponent signed a pledge along with many other judicial candidates agreeing not to discuss her position on policy issues during the campaign. Justice Smith won the election.

Rights of Crime Victims

Traditionally, Texas law has given more attention to correcting and rehabilitating criminals than to the rights of crime victims. State law now aids people who lose wages and incur expenses (for example, the costs of medical and legal services) as a result of injuries inflicted by adult criminals or juveniles. Victims and their families are entitled to up to $50,000 to cover costs such as funeral expenses, medical treatment, counseling, and lost wages. Administered by the Texas attorney general, this compensation program is financed through monthly fees paid by parolees, other fees collected by district courts, and payments made by individuals convicted of felonies and misdemeanors, including traffic violations. The fund can never be used for any purpose other than helping crime victims.

Texas has expanded protection for past and potential victims through constitutional amendment and statutory law. The Texas Constitution guarantees

throughout the criminal justice process that the victim will be treated with fairness and respect, and it secures the victim's "right to be reasonably protected from the accused." Crime victims can check the prison status of their assailants by phone at any time. Information about convicted felons and victims' services is also available on the Internet at a site maintained by the Texas Department of Criminal Justice. Victims have the right to obtain information about all proceedings affecting the assailant, to attend public hearings, and to provide input in parole decisions.

Particular categories of criminals are now treated in a way that allows protection for potential victims. The public has the right to know if a convicted child molester is residing in the community. As this information has become public, neighbors have become increasingly wary of child molesters in their midst. In 2003, residents in Houston suddenly realized that groups of child molesters were living very near each other in poorer neighborhoods. The offenders claimed that, because they could not live close to areas where children congregate, such as schools and parks, and because they were so stigmatized by society, they had few choices of residences. Nonetheless, Senator Mario Gallegos (D-Houston) sponsored the law that limits the rights of registered sex offenders to live in the same residence or within 1,500 feet of each other. Victims of domestic violence now have additional protection through antistalking laws and a right to emergency protective orders to keep abusers away from them. The private sector has also become involved in protecting potential victims, especially children. Programs such as the Amber Alert system depend on private citizens and the media to respond quickly if a child is abducted. (See Reading 9.2, "A Caring Mom's Idea Led to Plan," for a description of how this program was created.) All of these changes reflect a national trend toward protecting victims more than criminals, a change in which Texas has often been the leader.

Looking Ahead

The Texas legal system is indeed confusing and difficult. From deciding which court should hear a case because of overlapping court jurisdiction to identifying its presiding elected officials—the judges and justices of the courts—the system appears to be shrouded in mystery and anonymity. Often understood only by those who use the system on a daily basis—Texas lawyers—the decisions of criminal and civil court judges affect every Texan. It is therefore critical that citizens understand this expensive, confusing system that governs their lives and receives support from their tax dollars. The chapter "Revenues, Expenditures, and Fiscal Policy" discusses how Texas raises the revenue to fund government services such as the courts and the criminal justice system, as well as how Texas budgets its money to cover the cost of these programs and the many other activities of state government.

Chapter Summary

- Technological and scientific advances have had a significant impact on all areas of the law in the State of Texas.
- State law in Texas includes both civil law and criminal law. Texas courts and judges apply and interpret statutes, common law, and codes.
- Both constitutional and statutory law have been used to create the state's court system. Courts may have original or appellate jurisdiction, or both. There are local, county, trial, and appellate courts. Judges and lawyers are subject to regulation and discipline. A significant issue for lawyers is providing legal assistance to the poor in civil cases.
- There are two types of juries: grand juries (which determine if there is adequate cause to bring a defendant to trial in a criminal case) and petit juries (which determine the facts in criminal and civil cases).
- The civil justice system includes contract cases, tort cases, family law matters, and juvenile justice cases. Significant reforms have occurred in recent years in tort law, as the Texas Legislature has limited the amount of punitive damages in these cases. Cases are usually tried in county or district courts and appealed first to a court of appeals and then to the Supreme Court of Texas.
- Criminal law regulates many types of behavior. Less severe crimes are classified as Class A, B, or C misdemeanors and result in fines or detention in a county jail. More severe crimes include state jail felonies; first-, second-, and third-degree felonies; and capital felonies. Convicted felons may be punished by fines and imprisonment in state jails or prisons. Capital felons are subject to the death penalty. Felony trials are generally heard by a district court, then appealed to a court of appeals, and in some cases ultimately appealed to the Texas Court of Criminal Appeals. Death penalty cases are appealed directly to the Texas Court of Criminal Appeals.
- About 1 in every 21 Texans is under the supervision of a state judicial or correctional officer. The state's prison system expanded rapidly as a result of the decision in *Ruiz* v. *Estelle* and the continuing oversight of Judge William Wayne Justice. There are also state felony jails, local government jails, and privately operated prisons. Many offenders are placed under community supervision or released on parole. Rehabilitation efforts include substance abuse counseling, education, and programs administered by religious groups.
- The juvenile justice system is administered through the Texas Family Code. Youths between the ages of 10 and 17 are subject to its provisions. In recent years, more juveniles have been placed in detention facilities operated by the Texas Youth Commission. A number of juvenile offenders are required to stand trial as adults. The TDCJ has created a Youthful Offender Program to deal with 15- to 19-year-old inmates housed in adult facilities.

- Issues that remain problematic for the Texas justice system are crowded court dockets and the popular, partisan election of judges. In recent years, crime victims have received more favorable treatment by the Texas Legislature. Reforms include providing financial compensation to crime victims and keeping them informed of the status and location of their assailants.
- Even though the Texas legal system is confusing, it is important that citizens understand a system that controls many aspects of their lives.

Key Terms

civil law
criminal law
jurisdiction
original jurisdiction
appellate jurisdiction
exclusive jurisdiction
concurrent jurisdiction
court of record
small-claims court
probate
grand jury
petit jury
venire
voir dire
tort
plaintiff
defendant
special issues
verdict
judgment
graded penalties
capital felony
felony
misdemeanor
recidivism
charitable choice
alternative dispute resolution (ADR)
Missouri Plan
appointment-retention system



Discussion Questions

1. What are the advantages and disadvantages of Texas's court system?
2. What are some of the reasons for locating a law school in the Rio Grande Valley?
3. What can be done to make the legal system more accessible to more Texans?
4. What is the procedure for a civil trial in Texas?
5. Is allowing cameras in the jury room while the jury is reaching a verdict desirable? Why or why not?
6. What are the advantages and disadvantages of the death penalty?
7. What are some ways Texas could decrease its prison population?
8. How should juveniles be treated by the criminal justice system?
9. What are possible reforms to the method of selecting judges in Texas?



Internet Resources

Death Penalty Institute: **www.deathpenaltyinfo.org**
Justice for All: **www.jfa.net**
Justice Policy Institute: **www.justicepolicy.org**
Office of Court Administration: **www.courts.state.tx.us**
State Bar of Texas: **www.texasbar.com**
Texas Law Help: **www.texaslawhelp.org**
Texans for Public Justice: **www.tpj.org**

Texas Department of Criminal Justice: **www.tdcj.state.tx.us**
Texas Department of Public Safety: **www.txdps.state.tx.us**

Notes

1. Howard Safir and Peter Reinharz, "DNA Testing: The Next Big Crime-Busting Breakthrough," *City Journal* 10, no. 1 (Winter 2000): 49–57; **www.city-journal.org/html/issue10_1.html**.
2. Of special interest to young college and university students is lawyer L. Jean Wallace's *What Every 18-Year-Old Needs to Know About Texas Law* (Austin: University of Texas Press, 1997). Three other easy-to-understand books that explain Texas law are Richard Alderman, *Know Your Rights: Answers to Texans' Everyday Legal Questions,* 6th ed. (Houston: Gulf Publishing, 2000); Ralph Walton, *Texas Law in Layman's Language,* 6th ed. (Houston: Lone Star Books, 2002); and David M. Horton and Ryan Kellus Turner, *Lone Star Justice* (Austin: Eakin Press, 1999).
3. Annual statistics and other information on the Texas judicial system are available from the Texas Judicial Council and the Office of Court Administration. In addition to compiling information on all levels of courts, the Texas Judicial Council studies court operations.
4. The State Bar of Texas publishes a "how-to" manual for prosecuting a claim in small-claims court entitled *How to Sue in Small Claims Court,* available at **www.texasbar.com**.
5. Joann Zuñiga, "Reversing Precedent: Pay Issues, Changes in System Lead to Younger Judges on Bench," *Houston Chronicle,* 5 July 2002.
6. For an excellent discussion of the development and adoption of the constitutional amendment granting courts of civil appeals criminal appellate jurisdiction, see former chief justice Joe R. Greenhill, "The Constitutional Amendment Giving Criminal Jurisdiction to the Texas Courts of Civil Appeals and Recognizing the Inherent Power of the Texas Supreme Court," *Texas Tech Law Review* 33, no. 2 (2002): 377–404.
7. Kevin Priestner, "Five Texas Supreme Court Justices Take Office," *Texas Bar Journal* 66, no. 2 (February 2003): 116.
8. Jeanne Cummings, "Doctors' Activism Revives Malpractice Bill," *Wall Street Journal,* 13 January 2003.
9. For criticism of the death penalty, see the 2000 report by the Texas Defender Service, *A State of Denial: Texas Justice and the Death Penalty,* available at **www.texasdefender.org**; and Jim Dwyer, Peter Neufeld, and Barry Scheck, *Actual Innocence: Five Days to Execution and Other Dispatches from the Wrongly Convicted* (New York: Doubleday, 2000).
10. Michael Eisenberg, *The Second Biennial Report on the Performance of the Texas Department of Criminal Justice Rehabilitation Tier Programs* (Austin: Texas Criminal Justice Policy Council, 2003).
11. Chief Justice Thomas R. Phillips, "We've Sold Out Our State Judicial Elections," *Houston Chronicle,* 21 April 2002. This editorial focuses on problems the chief justice sees with our current process of selecting state judges. He spoke to these same issues in his 2003 State of the Judiciary address delivered to a joint session of the 78th Texas Legislature available in the *House Journal,* 4 March 2003.

Selected Readings

9.1 In Drug Court, Success Is Sweet*

Thom Marshall

Drug courts have been extremely successful for those counties that have them, reporting recidivism rates of only 3.4 percent for those who successfully complete programs. Houston Chronicle *columnist Thom Marshall examines one such court in Fort Bend County near Houston.*

The judge told the young woman standing before him she could have a Life Saver and spend half a day doing community service. Or she could leave her Life Saver in that big jar on the bench between them and not work the four hours.

Others who preceded her in standing before Judge Bradley Smith at that weekly session of the Fort Bend County Drug Court automatically got Life Savers without having to do community service. But they each had met all the court-ordered obligations and duties without a glitch since the last session. This young woman had been late to one of the meetings she is required to attend under the drug court program. Successful completion of the program results in no criminal record. But if you wash out of it, your case gets turned over to the regular justice system for routine disposition.

The idea behind drug courts is that a combination of judicial oversight and supervised treatment works better to reduce drug use and crime than if courts and treatment operate separately.

County Slow to Get Started

The concept has been slow to catch on in Texas. Nationally, there are more than 900 drug courts. Texas has but seven. Two years ago the Legislature ordered three other counties—including Harris—to get them going, but our officials have been dragging their heels. Courts administrator Jack Thompson told me that a team finally is heading out to California for a three-day meeting on drug court planning.

Harris County taxpayers pay far more money than residents of any other region in the state for locking up people over drug crimes. We should be first in line to try anything that might improve our local justice system. (Studies have shown that every public dollar spent on drug courts saves close to $10.)

The young woman in the drug court spotlight in Richmond offered Judge Smith a good excuse for her tardiness. Smith said that while he sympathizes with anyone who has car trouble, excuses just don't fly in the program. She was late. She must pay. Either give up the Life Saver or take it and do the four hours.

*From *Houston Chronicle*, 24 January 2003, A27.

If it was just the little piece of candy it appeared to be, the choice would be easy. You can buy an entire package for a few coins at any convenience store. Who would work four hours for only one?

But in Smith's drug court a Life Saver is not just candy. It is a symbol of success. Different drug courts use different gimmicks and rewards in their programs. Smith said his operation reflects some of what he learned when helping his own son conquer a marijuana habit. He knows that a group of peers can make a big difference in an individual's recovery efforts.

All Share Triumphs, Shortfalls

When he calls you to approach the bench to discuss your progress, if you have tested drug-free and meet all the other requirements, he announces to the others in the courtroom that you are a lifesaver. The others applaud, and you take a Life Saver from the jar. If you mess up and don't make it, you don't just let yourself down[;] you disappoint the whole group.

There is also a symbol for that disappointment. If the group isn't 100 percent lifesavers at the end of the session, if even just one out of the entire bunch didn't make it, everyone must drop a dollar in the pot on the way out of the courtroom. That is why it might be worth four hours of community service to someone to take a Life Saver and be a lifesaver.

"You can decide," the young woman told Judge Smith.

"No," he said, "it's your decision."

Learning to weigh the options and make good decisions for yourself is a part of the program. It was obvious she didn't want to spend a half day of her weekend on community service work. It was also obvious that she wanted her Life Saver.

The judge watched her face and waited. The others in the program watched her back and waited. You could have heard a pin drop. Finally, her hand moved slowly to the jar as she announced her decision. The applause started. She took her Life Saver.

9.2 A Caring Mom's Idea Led to Plan*

Bud Kennedy

Can one concerned citizen make a difference? The answer appears to be yes. Diana Simone's idea to use radio broadcasters and citizens with cell phones to locate missing children quickly has become a national program. Called the Amber Alert, it is named in honor of Amber Hagerman, a young murder victim whose kidnapping and death inspired Simone to action.

*From *Fort Worth Star-Telegram,* 14 September 2002.

The Amber Plan began as a worried mother's plan. Six years after her sobbing phone call to a Dallas radio station, Diana Simone's idea to broadcast Amber Alert warnings has rescued more than 30 abducted children nationwide.

A distraught Simone called a radio station manager two days after the body of Amber Hagerman, 9, was found in an Arlington creek bed. Simone's follow-up letter was identified this week as the spark for the Amber Plan, an alert system created by local radio managers and now developing as a national network.

"I still cry every time a child comes home," said Simone, now a grandmother and a licensed massage therapist in a Fort Worth clinic. She never spoke up again or sought any credit, she said shyly, because "it seemed to be working."

A Southern Baptist minister was on her clinical massage table that 1996 day when she broke down crying. This week, the Rev. Tom Stoker of Fort Worth remembered her phone call and letter to KDMX/102.9 FM suggesting a "broadcast alert" and a name: "Amber's Plan." He sent a copy of the letter here, and a former KDMX manager verified it.

Something had to be done, Simone told Stoker that day, to save children like Amber. The girl was grabbed off her bicycle in a grocery parking lot on a Saturday afternoon. She was found dead four days later on Jan. 17, 1996.

Maybe cellphones could sound an alert, Simone said. Stoker replied, "Why not radio?"

Simone slapped her forehead, "Duh!"

The clinical massage session ended abruptly as Simone put her fingers to work dialing KDMX, "Mix 102.9," then her favorite radio station. Midday host Kim Ashley, now at a New York station, told Simone to call the station manager, Jennifer Grimm. Grimm, long gone from the radio business and now promoting city development in suburban Allen, asked Simone to write a letter.

Simone wrote it by hand and asked friends to type and send it.

"Give Diana credit for having the passion to go make that call," said Stoker, a 25-year minister and also a conductor and performing arts consultant.

"She was in tears that day. She said, 'I don't want any more children hurt.' She took action.... She ought to be the mother of the Amber Plan.'"

Simone had never forgotten a different missing child in the mid-1980s, when a then-husband's job took the family to Israel. In a shopping center in Natanya, a 3-year-old daughter from an American tourist family vanished. The mother was panicked when an Israeli woman told her to "sit down. Have a coffee. Somebody will bring her back in a minute."

"How do you know?" Simone asked.

The Israeli woman stared. "Because this is Israel," she said "not America!"

Simone watched as men and women went through shops repeating the description of the missing girl. She was quickly found.

"I always thought, 'Why don't we have that system?'" Simone said this week. "What could we do to build the same sense of community that Israel has?"

She told Ashley and Grimm that story. In those sad days after Amber was abducted, TV and radio newscasts told us helplessly, "If anybody out there saw a man in a dark-colored pickup...."

"Of *course* somebody saw him," she said. "The question was, how can we tell people to be watching?"

What she didn't tell the radio station was that her own daughter was missing for a half-day in 1982. When a police officer found the girl, then 12, with friends on an unplanned trip to Weatherford, he cried.

"I've worked 13 missing children calls," he told Simone. "Yours is the first one I've found."

Simone is reluctant to take credit for anything more than a suggestion to a radio station. Grimm deserves a share of thanks, she said, for bringing the idea to the Dallas/Fort Worth Association of Radio Managers, the real "inventors" who put aside intense competition to unite and create the plan with help from law enforcement agencies.

"The people who really deserve attention," Simone said, "are all the people out there who are paying attention and have helped bring kids back home. They're the heroes."

Grimm had only remembered Simone's call, not the letter. It was left behind three months later when Grimm and the station parted in an ownership change. But Grimm recognized the letter this week and called it "amazing.... That is definitely her.

"It shows how one person can make such a difference—and how radio can make a difference."

The radio part was Tom Stoker's blurted suggestion. The alert was Diana Simone's idea. It was her tear-filled phone call that led to the radio managers' and law enforcement agencies' stunningly successful hard work creating and promoting the Amber Plan.

Soon, it will be America's plan.

The Text of Diana Simone's Letter to KDMX/102.9 FM

Dear Jennifer,

As we discussed on the telephone Friday, January 19, concerning the Amber Hagerman tragedy, it occurred to me that in the vast majority of abduction cases we hear about, children are being put into vehicles and transported from the point of abduction, point A, to somewhere, point B.

Considering the population density of the metroplex area, that seems virtually impossible to complete without being seen by someone. In Amber's case, for example, I'm sure a number of people saw her in that black pickup truck but simply did not know what they were seeing.

To remedy this, I would like to suggest an emergency system be set up so that when a verified 911 call is placed, all the radio stations in the area would be notified *immediately* and they would interrupt programming to broadcast an emergency alert, giving whatever information and descriptions that are pertinent.

In this way, thousands of people would be alerted within minutes of an occurrence, greatly minimizing the chance of successful escape. Naturally, citizens would be advised not to interfere, but simply call in any sightings of the suspect vehicle or persons.

Also, a great number of my colleagues and clients feel that this type of a response system may act as a strong deterrent, since possible perpetrators would be aware that virtually everyone on the roads, etc., would be looking for them.

I want to thank you and Kim Ashley for your interest and support of this idea. I sincerely hope this plan or something similar [can] be enacted so children of the Dallas–Ft. Worth area may experience their childhood as a time of joy, rather than [as] one of fear or apprehension.

If you are able to gather support for this Emergency Broadcast Plan, my one request is that it be known as Amber's Plan.

Sincerely,

Diana Simone

Chapter 10

Revenues, Expenditures, and Fiscal Policy



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Over the course of the twentieth century and through the early years of the twenty-first century, both the Texas economy and state government revenue sources changed. Even so, Texans remained committed to "pay-as-you-go" government spending. The Lone Star State's **fiscal policy** (public policy that concerns taxes, government spending, public debt, and management of government money) did not deviate from its nineteenth-century origins in the Texas Constitution of 1876. Today the notion of a balanced budget achieved by low tax rates and low-to-moderate levels of government spending continues to dominate state fiscal policy.

A robust Texas economy in the late 1990s allowed the legislature to lower taxes for the state's residents. Unfortunately, when the 78th Legislature convened in January 2003, the boom economy was only a memory. In early 2002, state comptroller Carole Keeton Strayhorn predicted the state would have $5 billion less to spend in 2004–2005 than it needed to cover its expenses. By late 2002, many observers suggested the shortfall was actually between $8 and $12 billion. State comptroller Strayhorn confirmed a $9.9 billion projected deficit in January 2003. The Legislative Budget Board announced a shortfall of $10.5 billion. Some observers suggested the number was $16 billion. Governor Rick Perry and other elected officials indicated they would not raise taxes or fees in an amount sufficient to cover the shortfall. The only solution appeared to be reduced spending. Proposals ranged from cutting faculty raises at Texas A&M University to eliminating the senior year of high school. After the budget passed, Comptroller Strayhorn initially refused to certify it. Ben Sargent's opening cartoon illustrates the dilemma the 78th Legislature faced as it tried to satisfy a state full of citizens hungry for government services with too little funding. Texans and their elected officials continued to debate who should bear tax burdens and who should benefit from government spending.

Looking Back

At the beginning of the twentieth century, Texas's economy was primarily land based. Cattle and cotton were the state's principal products.[1] Government provided few services to its citizens, so government expenditures were low. Texas's constitution prohibited the creation of state debt without voter approval.

The state's economy remained land based throughout much of the twentieth century, but the oil and gas industry became the dominant economic force. Often during this period the Texas economy was countercyclical to that of the nation. When oil prices were high, Texans fared well while the rest of the country suffered as it paid higher energy costs. However, when oil prices declined, Texans and their state government endured lower revenue while the rest of the nation flourished due to lower energy costs. After a devastating drop in oil prices in the early 1980s, state business and political leaders sought to diversify the state's economy. (See the chapter "The Environment of Texas Politics" for a discussion of the state's economy.)

By the opening years of the twenty-first century, economic cycles in the Lone Star State were much more consistent with those of the rest of the nation. The Texas economy is now service based. **Service sector jobs** include those in utilities, trade (such as retail stores), finance, the professions (such as law, medicine, and accounting), and government. Projections by the state comptroller are that these jobs will continue to comprise about 80 percent of nonagricultural employment over the next few years. Texas's tax system, however, remains land and product based. It relies heavily on real estate taxes for local revenue and on sales taxes at the state level. Business activities of service sector employers are often tax-free. Even though state government developed an increasing dependence on the sales tax as a major source of state revenue, it failed to tax the core business and assets of the service sector. For example, a bookstore must collect a sales tax on a book purchase, but a hairdresser does not charge a customer sales tax for a haircut. Changes in Texas's economy without corresponding changes in its tax system eroded the tax base as businesses sought to take advantage of laws that would reduce their tax liability.

At the same time, as a result of devolution (the process by which funding and program responsibilities are shifted from the federal government to state governments), national government funding for social services and economic development decreased. This fiscal (or budgetary) change forced more Texans to turn to state and local governments for help. Yet those governments had fewer resources with which to provide assistance. Texas state government, in particular, had to cope with the following spending pressures:

- Continuing growth in population
- Increasing numbers of individuals requiring public services, including the poor, the elderly, the disabled, and young children
- Swelling costs of education, medical care, and prisons
- Spending mandates from state courts, the U.S. Congress, federal courts, and various administrative agencies of the national government
- Continuing revenue shortfalls

Although the Texas economy grew at a faster rate than the national economy during the final years of the twentieth century, by the beginning of the twenty-first century it mirrored the economic downturn experienced by the entire nation. The economic downturn lessened state revenue, and this problem worsened as the result of additional factors, including:

- Declining profits from the state lottery
- Decreasing revenue from tobacco taxes (although payments from the state's successful lawsuit against tobacco companies [discussed in the chapter "The Executive"] offset this decline somewhat)
- Expanding dependence on the Internet for shopping, thus lowering sales tax revenue, as cybershopping remained tax-free

- Increasing dissatisfaction with the public school finance system and its inherent funding inequalities

Each of these problems has an impact on Texas's taxpayers in the twenty-first century.

Enduring Policy Issues

At the beginning of the twenty-first century, Texas's major fiscal problems involved spending needs for schools, highways, prisons, and welfare programs.

Public School Pressures

For more than thirty years Texas has dealt with pressures for more spending on public education and the need to correct funding inequities between the state's richest and poorest school districts. The Texas Legislature attempted to solve the problem of equalized funding of public education by statutes, which were invalidated by the courts, and through a constitutional amendment, which was rejected by voters. Ultimately, the legislature enacted a wealth equalization plan, labeled the "**Robin Hood plan**" by its critics because it requires wealthier districts to transfer money to poorer school districts. The state's 118 richest school districts (as of 2002–2003) had to choose one of several options for helping the remaining 922 poorer districts. These options include:

- Consolidating (or joining) with one or more poor school districts
- Detaching taxable property and assigning it to another school district
- Purchasing attendance credits directly from the state
- Partnering with another district to educate nonresident students and purchasing attendance credits directly from that district
- Consolidating tax bases with one or more poor districts

Of the available choices, wealthy school districts have preferred the options requiring purchase of attendance credits from the state, another district, or a combination. Failure to comply could result in compulsory consolidation with poorer districts. Effective 1 September 2004, Robin Hood was abolished.

Texans continue to deal with the need to increase and equalize spending for public school students. Relying on local property owners to finance school

Points to Ponder

- Texas's largest school district (Houston Independent School District) enrolled 210,670 students in 2001–2002, and its smallest (Divide Independent School District in Kerr County) enrolled only 20 students in that same year.[a]
- Texas ranks 48th in the nation in average teacher salaries ($38,359 per year) as compared to salaries in Texas business and industry that average $35,695 per year.[b]
- Texas ranked 48th in the nation on average SAT scores in 2002.[c]

Sources: [a]Texas Education Agency. [b]American Federation of Teachers. [c]The College Board.

growth, equalization, and employee salaries and benefits is questionable. In 2001, legislative leaders appointed a Joint Select Committee on Public School Finance to review alternative ways to finance Texas's public schools. Committee options included establishing a voluntary state income tax or a statewide property tax, using business property taxes to equalize funding, increasing state funding, and funding a study to determine the cost of educating a child. Because the 78th Legislature only dissolved the plan wthout replacing it, many believed a special legislative session would be necessary. Representative Rene Oliveira (D-Brownsville) observed: "The real problem is we need to inject more money into the system and we simply do not have it."[2]

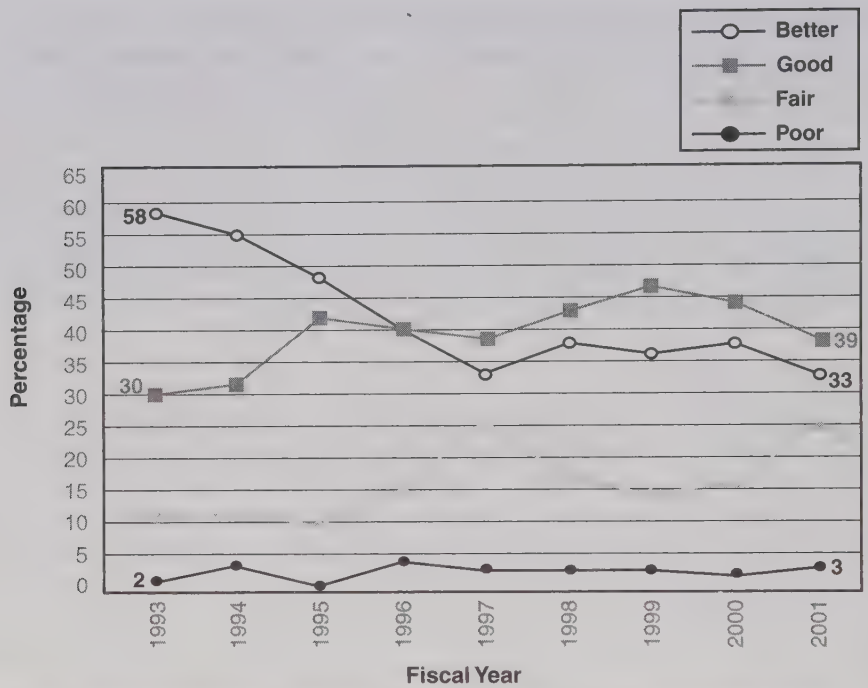
Highway Demands

Collapsing causeways, aging highways, natural disasters, population increases, and escalating demands for homeland security plague the Texas Department of Transportation and stimulate its need for increased funding. Every day, Texans drive the equivalent of 1,200 trips to the moon over the state's highways and bridges. In a year's time the total distance exceeds 210 billion miles. Damage to roadways by private and commercial traffic results in costly maintenance. As Figure 10.1 illustrates, the percentage of Texas roads (measured in lane miles) that are in "very good shape" declined significantly between 1993 and 2001 while roads requiring repairs increased.

Created in 1917 as the Texas Highway Department, today's Texas Department of Transportation (TXDOT) is responsible not only for maintaining about 79,000 miles of highways across the state, but also for improving highway safety, reducing congestion (especially in urban areas), and (after 11 September 2001) addressing homeland security issues such as protecting ports of entry and redirecting hazardous materials in urban areas. Federal support for highway construction and maintenance is inadequate to meet these needs. State funding is also limited. Yet state officials believe that a superior transportation infrastructure is critical to the economic well-being of Texas. Development of the Trans-Texas Corridor will result in a 4,000-mile network of superhighways, toll roads, rail lines, and underground facilities across the state. The Texas Trunk System will link all cities with a population of 20,000 or more, as well as other major facilities such as ports and military installations, by four-lane divided highways. There is no disagreement about the need to build and repair state roadways and to enhance national security efforts. Limited state revenue will require significant funding from alternative sources. Elected officials continue to debate how much support government can provide to finance these efforts.

Prison Stresses

A skyrocketing prison population over the last two decades of the twentieth century, coupled with federal court mandates for a state prison system that



"Better" condition roads are in very good shape. "Good" condition indicates no work is needed, although signs of deterioration are becoming evident. A "Fair" road would have work that needs to be done, but is not a safety problem. "Poor" condition roads need substantial work to be done, including some to correct potential safety problems.

Figure 10.1 Texas Road Conditions, Fiscal Years 1993–2001 *Source: Creating Tomorrow's Transportation System: Strategic Plan 2003–2007* (Austin: Texas Department of Transportation, 2003), 36.

eliminated overcrowded, substandard conditions, dramatically increased prison operating costs in Texas. (See the chapter "Laws, Courts, and Justice" for details of *Ruiz* v. *Estelle* and its consequences.) From 1980 through August 2000, the prison population in Texas Department of Criminal Justice (TDCJ) facilities grew from approximately 34,000 inmates to 151,100—an increase of 344 percent. After that date, the prison population began to decline somewhat. By mid-2003, the number of inmates in Texas's prisons was approximately 147,000. Annual appropriations (or spending) exceeded $4.2 billion in fiscal year 2003. In addition, in the early 1990s, Texas voters authorized issuing more than $2 billion in bonds for the construction of new prisons and state felony jails.

Today, state prisons can accommodate about 151,500 inmates. In September 2000, the Texas prison population began to decline as a result of an increase in prisoners released on parole and a reduction in the number of revocations for technical violations of parole conditions. By late 2002, this trend had reversed. The Texas Criminal Justice Policy Council projected

steady increases in the prison population over fiscal years 2002–2007. (See the chapter "Laws, Courts, and Justice" on the functions of this former agency.) Increases in prison population became more dramatic in 2003. As a result, the number of inmates risked exceeding capacity.[3] As a result, prison costs will continue to rise. Among additional factors that will contribute to this increase are:

- Better salaries for correctional officers (poor working conditions and below-average salaries are linked to low staffing levels and high turnover rates at state prisons)
- An aging prison population with greater health care needs (inmates over age 55 are the fastest-growing segment of the prison population and use the health care system five times more frequently than younger prisoners)
- An increasing number of offenders suffering from diseases that necessitate costly treatments, such as HIV/AIDS and hepatitis C
- Outdated facilities that require major renovations or replacement (13 prisons are more than 75 years old)

Declining state revenues and rising expenses may force Texans and their elected officials to debate the issue of incarceration for criminal offenders versus parole or community supervision (or probation). In 2002, the average cost per day for an inmate was $44.01. In that same year, the average cost per day to the criminal justice system for parolees was $3.07 and for those on community supervision (probation) only $2.13. (For a discussion of probation and parole, see the chapter "Laws, Courts, and Justice.") There were also calls to reduce possession of small amounts of controlled substances from a felony to a misdemeanor in late 2002, thus reducing the number of inmates and ultimately prison expenses. Incarceration of criminals will have to be measured against cost.

Welfare Strains

One of the characteristics of an economic downturn is rising unemployment and **underemployment** (in the latter, individuals work fewer hours than desired, are paid lower wages, or are overqualified for their jobs). As job losses and underemployment increase, so does the need for government services. Citizens turn to government for health care benefits through Medicaid; for medical insurance for children of low-income families through the **Children's Health Insurance Program (CHIP)**; for financial assistance through the Temporary Assistance to Needy Families (TANF) program; and for job retraining and food stamps.

Welfare reform in the 1990s restricted the amount of time individuals could qualify for TANF benefits. This prohibition, coupled with a growing economy, removed many individuals from the welfare rolls by the end of the

twentieth century. However, by 2003, Texans faced an unemployment rate of 6 percent. As a result, there were 250,000 more workers without jobs than at the end of 2000. The newly unemployed and underemployed accessing public assistance benefits were expected to increase throughout 2003. Additional problems the state will face with regard to its poorest citizens include:

- An increasing number of individuals who will be permanently disqualified from receiving TANF benefits (the Department of Human Services projects that 62,000 Texans will be barred from benefits by 2007)
- A constitutional limit on the amount of funding the state can provide for TANF benefits (no more than 1 percent of the annual state budget), counterbalanced with federal prohibitions against decreasing state spending for welfare
- Reliance on monies from the state's settlement with tobacco companies to fund CHIP
- Spiraling costs for medical care and prescription drugs that result in increased Medicaid costs

Texas has little or no control over many of these policy matters. The federal-state partnership that exists in the TANF and Medicaid programs places limits on state responses. Federal law also continues to shift greater monetary responsibility for public assistance services to the states through devolution. Texas's economy reacts to national and international economic conditions. Market conditions control the cost of health care services and other benefits. Yet poor children and adults rely on government to meet the basic human needs of food, health care, and shelter. A review of Texas's fiscal policies provides insight into how the state might address these issues in the future.

Traditional Fiscal Policies

Historically, Texas's fiscal policies have been shaped by dedication to three basic principles: hostility to state indebtedness (deficit financing), opposition to taxes, and insistence on limited spending for most public services. Campaign promises of candidates for state offices in 2002 reflected this view. Even as Comptroller Carole Keeton Strayhorn warned of shortfalls for the 2004–2005 budget, politicians vowed they would neither increase taxes nor decrease services to Texans. By the beginning of the 78th legislative session, the increasingly bleak revenue forecast resulted in plans for staff and service reductions by state government. During the session, elected officials increased fees for attorneys, registered nurses, and tow truck drivers. Ultimately, the budget was balanced with no tax increases. Many legislators shared the dilemma of Ben Sargent's cartoon characters as they wondered where the bottom of the shortfall was.



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Budget Policy

Hostility to public debt is demonstrated in constitutional and statutory provisions designed to force the state to operate on a pay-as-you-go **balanced budget.** The Texas Constitution prohibits the state government from borrowing money "except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, and to defend the state in war." The comptroller of public accounts must submit to the legislature in advance of each regular session a sworn statement of cash on hand and revenue anticipated for the succeeding two years. Appropriation bills enacted at that particular session and any subsequent special session are limited to not more than the amount certified unless passed by a four-fifths majority in both houses or new revenue sources are provided.

Despite these constitutional provisions, **casual deficits** (unplanned shortages) occur periodically. These deficits usually arise in the **General Revenue Fund** (the fund available to the legislature for general appropriations). Although only one of nearly 400 funds in the state treasury, it is the critical fund in that maze of accounts. Like a thermometer, the General Revenue Fund measures the state's fiscal health. If the fund shows a surplus, fiscal health is good; if there is a deficit, fiscal health is poor. Less than one-half of the state's expenditures comes from the General Revenue Fund. The remainder comes from

other funds and is restricted to specific uses designated by the Texas Constitution, state statutes, or federal requirements.

A second factor influencing budget policy is the constitutional mandate that state budgets be prepared and enacted on a biennial basis. Thus, state agencies, legislators, and the state's comptroller are forced to estimate governmental revenues and spending needs more than two years in advance. Many factors can alter spending needs in a two-year period. Terrorist attacks on New York City and the Pentagon in September 2001 not only damaged the national and state economies but added to the cost of state government as the state assumed some homeland security responsibilities. Rapidly rising prescription drug costs and increased numbers of people qualifying for Medicaid and CHIP caused the Texas Department of Human Services to exceed its budget in 2002. A troubled economy affected state revenue as consumers purchased less and therefore paid less in sales taxes to the state. None of these issues could be fully addressed until the 78th Legislature met in 2003.

Taxing Policy

Given traditional opposition to taxes, Texas residents have pressured their state government to maintain a low level of taxation. When additional revenues have been needed, Texans have indicated in poll after poll their preference for **regressive taxes** that favor the rich and fall most heavily on the poor ("the less you make, the more government takes"). Under such taxes, the burden decreases as personal income increases. Figure 10.2 illustrates the impact of regressive taxes on those earning different levels of income. The poorest 20 percent of Texans pay almost three and one-half times as much of their income for taxes as the wealthiest 20 percent.

Accordingly, Texas lawmakers have developed a tax structure that is among the most regressive in the nation. A general sales tax and selective sales taxes have been especially popular. **Progressive taxes** (taxes whose impact increases as income rises—"the more you make, the more government takes")

How Do We Compare . . . in State Sales Tax Revenues?

Sales Tax As a Percentage of Total Revenue

Most Populous U.S. States	Percentage of Total Revenue	U.S. States Bordering Texas	Percentage of Total Revenue
California	17	Arkansas	23
Florida	41	Louisiana	23
New York	11	New Mexico	23
Texas	**36**	Oklahoma	12

Source: U.S. Census Bureau, *2001 State Government Finance Data* (www.census.gov/govs/www/state.html)

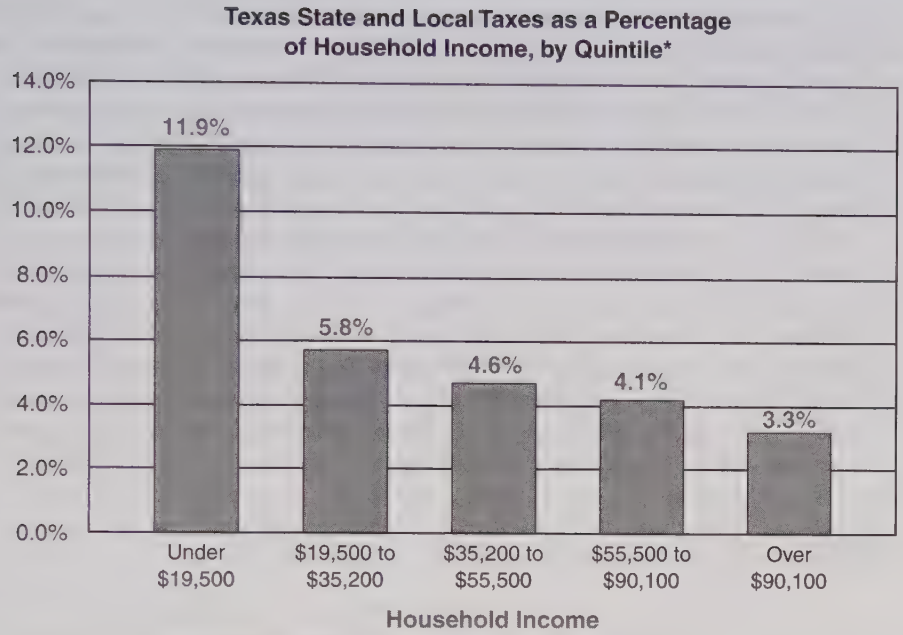


Figure 10.2 Impact of Regressive Taxes *Source:* Center for Public Policy Priorities, *The Texas Budget and Tax Primer: Where the State's Money Comes From and How It Is Spent* (Austin: Center for Public Policy Priorities, August 2002), 29. From Texas Revenue Primer, page 20 at **www.cppp.org/products/reports/revised2.pdf.** Used by permission of Center for Public Policy Priorities.

have been unpopular. Thus Texas does not have a personal income tax; moreover, the state constitution requires a popular referendum before an income tax can be levied.

To finance services, Texas government depends heavily on sales taxes, which rank among the highest in the nation. In addition, the Lone Star State has a dizzying array of other taxes. For example, Texas imposes taxes on bingo games, imported cement, sulfur production, and oil and gas well servicing. Yet the sales tax remains the most important source of state revenue.

Spending Policy

Historically, Texans have shown little enthusiasm for state spending. Consequently, public expenditures have remained low relative to those of other state governments. In 2001, for example, state spending in Texas was $3,026 per capita, ranking the Lone Star State 50th among the 50 states. Traditionally, Texans have indicated their willingness to spend for highways, roads, and other public improvements, but they have demonstrated much less support for welfare programs, recreational facilities, and similar social services.

The budget shortfall that Comptroller Carole Keeton Strayhorn predicted for fiscal years 2004–2005 anticipated that the state would provide the same level of services to Texans as had been available during the 2002–2003 budget years. Many candidates for election in 2002 argued that the state merely needed to "scrub the budget" by eliminating unnecessary and inefficient spending. One political columnist reviewed the budget and identified how much state revenue had to be spent for specific programs, either because of restrictions on how the money could be spent or clear voter preferences for programs such as education and public safety. He found that less than $5 billion (the amount of the predicted shortfall) remained in the state budget after these adjustments. This remaining balance included the cost of government operations for items such as the court system and many state agencies.[4] It seems unlikely that these expenditures could be completely eliminated. Other observers noted that little could be done to reduce spending in a state that already ranked 50th in per capita state spending.

Politics of Budgeting and Fiscal Management

The state's **fiscal management process** begins with a budget and ends with an audit.[5] Other phases of the process include tax collection, investment of public funds, purchasing, and accounting. Each activity is important if the state is to derive maximum benefit from the billions of dollars it handles each year.

Budgeting

A plan of financial operation is usually referred to as a **budget**. In modern state government, budgets serve a variety of functions, each important in its own right. A budget is a plan for spending that shows a government's financial condition at the close of one fiscal, or budget, year and the anticipated condition at the end of the next year. It also makes spending recommendations for the coming fiscal year. In Texas, the fiscal year begins on September 1 and ends on August 31 of the following year. When referring to a budget year, the ending year is the one used preceded by the initials FY for "fiscal year." For example, FY2003 began on 1 September 2002 and ended on 31 August 2003.

Texas is one of only seven states that budgets for two-year periods—that is, on a biennium basis. Many political observers argue that today's economy fluctuates too rapidly for this system to be efficient. Voters, however, have consistently rejected proposed constitutional amendments requiring state appropriations on an annual basis.

Legislative Budget Board By statute, the **Legislative Budget Board (LBB)** is a 10-member joint body of the Texas House of Representatives and the Texas Senate. Its membership consists of the lieutenant governor, who serves as

chair; the speaker of the House of Representatives, who is vice chair; four automatic members (the chairs of the House Committee on Appropriations, the House Committee on Ways and Means, the Senate Finance Committee, and the Senate State Affairs Committee); and four appointed members, two state representatives appointed by the speaker of the House and two state senators appointed by the lieutenant governor.

Assisted by its director and staff, the LBB prepares a biennial (two fiscal years) **current-services-based budget**. This type of budget projects the cost of meeting anticipated service needs of Texans over the next biennium. Using this approach, the Texas comptroller predicted a $5 billion shortfall for the fiscal period 2004–2005, which she later revised to $9.9 billion. Traditionally, members of the LBB rely on the comptroller's revenue predictions in establishing spending caps for the next biennium prior to the beginning of a legislative session. These spending caps serve merely as a guide for legislators. The comptroller's revenue projections establish spending limits. In 2002, however, several Republican members of the LBB challenged Comptroller Strayhorn's economic forecast, arguing that it was too optimistic and could force the state into overspending. Strayhorn's estimates were ultimately accepted by the board, however.

The board's staff also help draft general appropriation bills for introduction at each regular session of the legislature. Further, if requested by a legislative committee chair, they are responsible for preparing **fiscal notes** that assess the economic impact of a bill or resolution. The LBB also assists agencies in developing performance evaluation measures and audits.

Office of Budget, Planning, and Policy Headed by an executive budget officer who works under the supervision of the governor, the Governor's Office of Budget, Planning, and Policy (GOBPP) is required by statute to prepare and present a biennial budget to the legislature within five days after the opening of each regular session. Traditionally, the governor's plan has been policy based. It has presented objectives to be attained and a plan for achieving them. As a result of this dual arrangement, two budgets, one legislative in origin and the other executive, should be prepared every two years. In the closing decades of the twentieth century, governors often did not submit separate budgets. In 1999, however, Governor George W. Bush submitted a detailed budget document, as did Governor Perry in 2001.

By 2003, the Governor's Office attempted to seize control of the budgeting process by working closely with the new Republican leadership in the Texas Legislature. The Governor's Office sought to let available revenue dictate the budget rather than governmental services established in a prior budget. In this way, attempts to increase taxes or other revenue sources could be avoided because the Texas Legislature would have fixed limits within which to work. If the current-services budget of the Legislative Budget Board

prevailed, legislators would have the option of cutting programs or increasing state revenue by raising taxes or other payments to government. In late 2002, a series of e-mails indicated a disagreement between staff members in the Governor's Office and those in the Legislative Budget Board's office over the governor's budget-writing process. Personnel on the governor's staff accused Legislative Budget Board staff members of being uncooperative in furnishing requested information. This accusation prompted a response from the director of the Legislative Budget Board that perhaps the governor's staff was "not capable of producing [a] budget." Ultimately, the LBB director proved correct when the Office of Budget, Planning, and Policy submitted a budget that allocated $0 for every spending category and made no attempt to set spending priorities or propose reductions. (See Reading 10.1, "Governor Perry's Fiscal Year 2004–2005 Budget: Two Opposing Views," for Governor Perry's justification for his budget submission and the response to this idea from Representative Paul Moreno, D–El Paso.)

Budget Preparation Compilation of each budget begins with the preparation of forms and instructions by the Legislative Budget Board and the Governor's Office of Budget, Planning, and Policy. (See Figure 10.3 for a diagram of the budgeting process.) These materials are sent to each spending agency early in every even-numbered year. For some six months thereafter, representatives of the budgeting agencies work closely with operating agency personnel to prepare proposed departmental requests. By early fall, departmental estimates are submitted to the two budgeting agencies. These agencies then carefully analyze all requests and hold hearings with representatives of spending departments to clarify details and supply any additional information needed. At the close of the hearings, usually in mid-December, budget agencies traditionally compile their estimates of expenditures into two separately proposed budgets.

In early 2002, Governor Rick Perry asked more than 240 agencies to submit ways to cut their budgets immediately. By June 2002, all agencies were told to provide explanations of the impact on their services of 3 percent and 5 percent reductions in their 2004–2005 budgets. Responding agencies predicted increased dropout rates from higher education, more than 100 additional deaths caused by drunken drivers, a rise in the number of deaths from child abuse, and other detrimental consequences to the state and its residents. The Texas Legislature was forced to deal with the issue of whether Texans preferred higher taxes or a lower quality of life.

Each state agency requesting appropriated funds must submit a five-year strategic operating plan to the Governor's Office of Budget, Planning, and Policy and to the Legislative Budget Board. Agency plans are then combined by GOBPP and LBB into a long-term strategic plan composed of three phases:

- Statewide goals (for example, increasing access to higher education for students with disabilities) and proposed measures of specific government performance

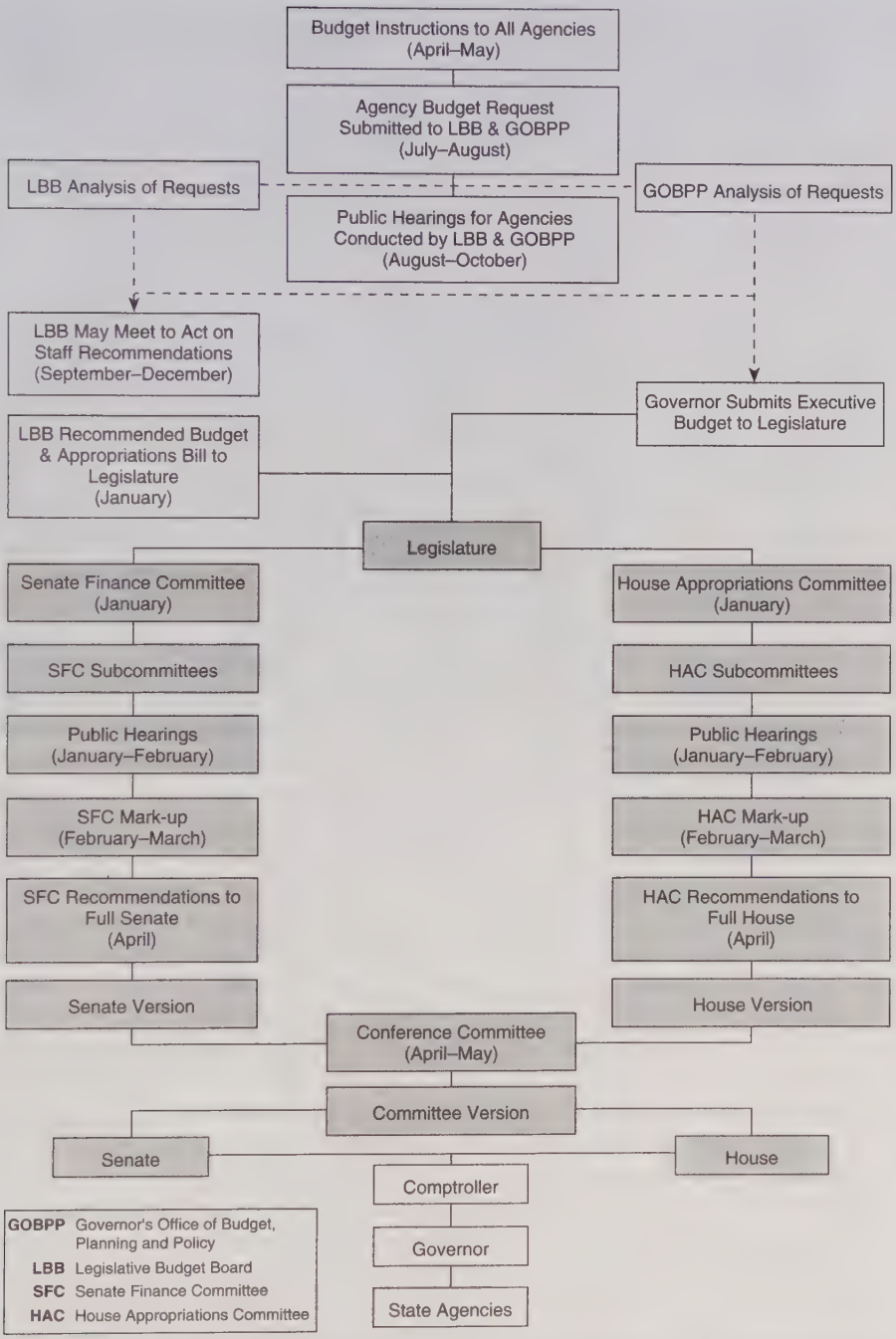


Figure 10.3 Texas Biennial Budget Cycle *Source:* Senate Research Center, *A Guide to the Budget Process in Texas* (Austin: Texas Senate, January 2003), 5.

- Strategic priorities (for example, a commitment to achieve the goal in the immediate future) and external and internal factors that might affect state government during the six-year period
- Strategic policies (for example, installation of elevators in all buildings and other facilities where higher education services are provided)

An agency's request must be organized according to the strategies the agency intends to use in implementing the next two years of its strategic plan. Each strategy, in turn, must be listed in order of priority and tied to a single statewide functional goal.

Thus, at the beginning of each regular session, legislators normally face two sets of recommendations for all state expenditures for the succeeding biennium. Since the inception of the **dual budgeting system**, however, the legislature has shown a marked preference for the recommendations of its own budget-making agency, the Legislative Budget Board, over those of the Office of Budget, Planning, and Policy and the governor. Governor Rick Perry's goal in 2003 was to submit one budgeting plan so that the Texas Legislature could argue over spending priorities within clearly defined revenue limits rather than debating alternative plans. By requesting no spending in any category, he believed that legislators would be forced to review the need for each government service before authorizing funding.

By custom, the legislative chambers rotate responsibility for introducing the state budget. In 2001, Senator Rodney Ellis (D-Houston), then-chair of the Senate Finance Committee, submitted the budget. The chair of the House Appropriations Committee, Representative Talmadge Heflin (R-Houston), introduced the budget to the 78th Legislature. In subsequent months the legislature debated issues surrounding the budget before approving it and sending it to Governor Rick Perry. The comptroller certifies the budget prior to signature. Comptroller Strayhorn refused to do so, but ultimately agreed to cut her own agency by $212 million to balance the budget. The governor has the power to veto any spending provision in the budget through use of the line-item veto (rejecting only a particular expenditure in the budget). Once approved, the budget is ready for implementation in the next fiscal year.

In most state governments, the Governor's Office or an executive agency responsible to the governor supervises **budget execution** (the process by which a central authority in government oversees implementation of a spending plan approved by the legislative body). The governor of Texas or the Legislative Budget Board may prevent an agency from spending part of its appropriations, transfer money from one agency to another, or change the purpose for which an appropriations was made. There are some limits on the governor's authority, such as a maximum 5 percent increase or 10 percent decrease in an agency's appropriation. Any proposed modification by the governor must be made public, after which the Legislative Budget Board may ratify it, reject it, or recommend changes. If the board recommends changes in the governor's proposals, the chief executive



Representative Sylvester Turner (Democrat-Houston) addresses the Texas House of Representatives. Representative Turner served as a member of the Appropriations Committee and the Appropriations Conference Committee during the 78th legislative session. *(Courtesy Representative Turner)*

may accept or reject the board's suggestions. In early 2003, all state agencies, including public universities and community colleges, were advised that they needed to reduce their current budgets by 7 percent to meet a shortfall projected for FY2003. In particular, spending for travel, consultants, and new personnel were targeted and significantly reduced or eliminated.

Tax Collection

As Texas's chief tax collector, the comptroller of public accounts collects more than 90 percent of state taxes, including those on motor fuel sales, oil and gas production, cigarette and tobacco sales, and franchises. (A franchise is a special privilege granted by governments, such as a tax charged to a corporation for the privilege of doing business in a state.) The Department of Transportation collects motor vehicle registration and certificate-of-title fees through county tax collectors' offices; the State Board of Insurance collects insurance

taxes and fees; and the Department of Public Safety collects driver's license, motor vehicle inspection, and other such fees. The Texas Alcoholic Beverage Commission collects state taxes on beer, wine, and other alcoholic beverages.

Lottery and Bingo Supervision

The Texas Lottery Commission administers the state's lottery and oversees bingo games. Among its functions are determining the amounts of prizes, overseeing the printing of tickets, advertising ticket sales, and awarding prizes. This three-member commission must include one individual with experience in the bingo industry. A review of the Texas Lottery Commission by the Sunset Advisory Commission in 2002 resulted in proposed legislation (H.B. 794) to expand the Lottery Commission's membership by two additional appointed members. (For a discussion of the Sunset Advisory Commission, see the chapter "Public Policy and Administration.") A problem presented by a three-member Lottery Commission is that two members cannot discuss agency business without convening a public meeting. Any two members create a quorum and thus violate the Texas Open Meetings Act if they discuss agency affairs privately. Although some interest groups recommend that at least one commissioner should be an experienced lottery player or winner, no such qualification has been added.

Investment of Public Funds

Working under relatively restrictive state money management laws, the Texas state comptroller invests any surplus funds so as to earn interest. Some state funds are placed in interest-bearing negotiable order withdrawal (NOW) accounts. The comptroller is authorized to buy treasury bills (promissory notes in denominations of $1,000 to $1 million) from the U.S. Treasury and repurchase agreements (arrangements that allow the state to buy back assets such as state bonds) from banks. Broader investment authority is given to the University of Texas Investment Management Co. (UTIMCO) to invest the Permanent University Fund and other endowments for the University of Texas System. This nonprofit corporation is the first such investment company affiliated with a public university in the nation. (See below for disclosure issues related to UTIMCO investments.) UTIMCO is allowed to invest in venture capital partnerships, which provide funding to new companies. Interest and investment income provide less than 3 percent of the General Revenue Fund and accounted for $1.66 billion in annual funding for the 2002–2003 biennium.

Purchasing

Agencies of state government must make purchases through or under the supervision of the Texas Building and Procurement Commission (formerly the General Services Commission). This commission places greater emphasis on

serving state agencies for which it purchases goods than on controlling what they purchase. The commission has seven members. Three are appointed by the governor, two are nominated by the speaker of the House but appointed by the governor, and two are appointed by the lieutenant governor. The commission also provides building and property management services for state facilities, including the Texas State Cemetery. Telecommunication services for agencies are directed by the Department of Information Resources.

An agency making purchases over $10,000 must solicit written bids from at least three eligible vendors (sellers) on its competitive bidding list. Purchases of more than $2,000 but less than $10,000 require three telephone bids, at least two of which must come from minority vendors on the state's approved list. Competitive bidding is not required for purchases under $1,000. The Council on Competitive Government is required to determine exactly what kinds of services currently provided by the state might be supplied at less cost by private industry or other state agencies. The Texas Building and Procurement Commission reviews and evaluates all of the services it provides.

Accounting

The comptroller of public accounts oversees the management of the state's money. This elected official is held responsible by Texas law for maintaining a double-entry system with such ledgers and accounts as are deemed necessary. Other statutes narrow the comptroller's discretion by creating numerous **special funds**, or accounts that essentially designate revenues to be used for financing specified activities. Included are constitutional trust funds, such as the Permanent School Fund and the Permanent University Fund; retirement and other trust funds, such as the Teacher and State Employee Retirement Funds; constitutionally dedicated funds, such as the State Highway and Available School Funds; and nearly 400 other special funds. Because this money is usually earmarked for special purposes, it is not subject to appropriation by the legislature.

Major accounting tasks of the Comptroller's Office include preparing warrants (checks) used to pay state obligations, acknowledging receipts from various state revenue sources, and recording information concerning receipts and expenditures in ledgers and other account books. Contrary to usual business practice, state accounts are set up on a cash rather than an accrual basis. In **cash accounting**, expenditures are entered when the money is actually paid rather than when the obligation is incurred. This practice permits the state to create obligations in one fiscal year and pay them in the next. Unfortunately, it complicates the task of fiscal planning by failing to reflect an accurate picture of current finances at any given moment. The comptroller issues annual and quarterly reports that include operating statements for the various funds of the state treasury. These reports do not comprise a series of balance sheets (statements of the financial position of the state treasury funds at a given date); they are only general statements of revenues and expenditures.

Auditing

State accounts are audited (examined) under direct supervision of the **state auditor,** who is appointed to a two-year term by the Legislative Audit Committee with approval by two-thirds of the Senate. The auditor may be removed by the committee at any time without the privilege of a hearing. With the assistance of more than 250 staff members, the auditor checks financial records and transactions on a random basis after expenditures have been made. Auditing therefore involves reviewing the records and accounts of disbursing officers and custodians of all state funds.

Monitoring accounts constitutes a check by the legislative branch of government on the integrity and efficiency of the executive branch. The auditor is authorized to require changes in accounting or record keeping by any state agency to promote a more uniform system of accounts. Thus this official has access to all state records, books, accounts, and reports and may demand assistance from all state officers and employees. Another important duty of the auditor is to examine the activities of each state agency to evaluate the quality of its services and determine whether duplication of effort exists. The auditor makes a written report to the head of the agency. This report includes recommendations for correcting deficiencies and suggestions for improvement.

The Politics of Revenue and Debt Management

Through constitutional provisions, statutes, and public pressure, Texans have sought to force their state government to operate on a balanced budget. Nevertheless, the Texas budget has not always been balanced. Low taxation, casual deficits, and constitutional amendments that authorize borrowing have combined to produce a persistent state debt. Although not all of the state revenue is derived from taxation, taxes are clearly an important source of state money.

The Politics of Taxation

Imposed by governmental authority, a **tax** is a compulsory contribution for a public purpose rather than for the personal benefit of an individual. According to generally accepted standards, each tax levied and the total tax structure should be just and equitable. Of course, there are widely varying notions of what kinds of taxes and what types of structures meet these standards.

Current Trends in Texas Taxation

In the 1990s, Texas continued to reduce its reliance on oil and natural gas as major revenue sources. The state's move to economic diversification as a result of the devastating impact of low oil prices in the 1980s was reflected in its revenue base. Sales tax receipts became one of the state's most important

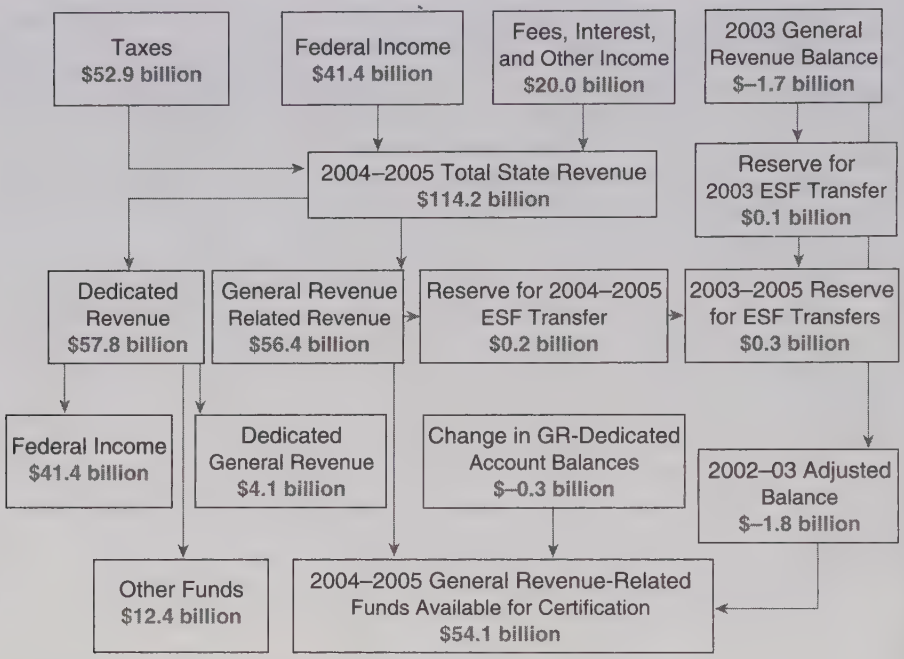
income sources. Texas's quantity-based consumption taxes on motor fuels, alcoholic beverages, and tobacco—sometimes referred to as **selective sales taxes**—declined in importance as a revenue source. Taxes tied to businesses' gross receipts continued to increase as corporate earnings grew in the 1990s. Slowdowns in the U.S. and Texas economies in the early years of the twenty-first century and the reorganization of many corporations caused a decrease in this tax income. Included in this category are the franchise tax, the insurance company tax, and a variety of taxes on public utilities.

Recent declines in government revenue and increasing state expenses caused concern for all states that rely heavily on sales taxes as a funding source. Debate over a state income tax arose in the media and among some special-interest groups that advocate for low- and moderate-income Texans. As one of only seven states that have no individual or corporate income tax, Texas has long been criticized by many such groups for ignoring this source of revenue.

By constitutional amendment, any income tax must be proposed by the Texas Legislature and approved by a majority of voters in the Lone Star State. Two-thirds of any income tax would be used to reduce property taxes, with the balance being spent on public education. As legislators debated spending cuts during the 78th legislative session, popular support for this tax increased dramatically. In February 2003, only 41 percent of Texans favored an income tax. By May, support expanded to 52 percent. However, Republican legislators, who assumed control of both chambers of the Texas Legislature in 2003 for the first time since Reconstruction, had no interest in imposing this tax.

Although some economic observers consider a tax on income a more stable source of state revenue than the sales tax, in fiscal year 2002 sales tax revenue was 3.2 percent lower in all states than projected, while state income tax projections were off by 12.8 percent. Texas sustained a 1 percent decline in sales tax revenue during this period. Continuing high unemployment rates coupled with fluctuations in the economy had a negative impact on tax collections during 2003 because consumers made fewer purchases that could be taxed. Elected officials sought to meet this decline in ways other than creating new taxes or increasing existing ones.

Sales Taxes By far the most important single source of tax revenue in Texas is sales taxation. (See Figure 10.4 for the sources of state revenue.) Altogether, sales taxes account for 55 percent of all state tax revenue. The burden that sales taxes impose on individual taxpayers varies with their particular patterns of spending. Moreover, the effective rate of taxation declines as personal income rises. For example, a sales tax of 6.25 percent on furniture selling for $10,000 amounts to $625, which would be more than 6 percent of a $10,300 annual income for a low-wage worker, defined as someone earning the federal minimum wage. Sales tax on the same purchase is only about 0.3 percent of a $200,000 income for a business executive. Whether a regressive tax system is just and equitable depends on the viewer's perspective.



Note: Totals may not sum because of rounding.

Figure 10.4 Sources of State Revenue, 2004–2005 *Source:* Office of the State Comptroller of Public Accounts, *Biennial Revenue Estimate 2004–2005.*

For more than 40 years, the state has levied and collected two kinds of sales taxes: a general sales tax and several selective sales taxes. First imposed in 1961, the limited sales, excise, and use tax (commonly referred to as the **general sales tax**) has become the foundation of the Texas tax system. The current statewide rate of 6.25 percent is one of the nation's highest (ranking as the third highest rate among the 45 states that impose a sales tax as of January 2003).

The base of the tax is the sale price of "all tangible personal property" and "the storage, use, or other consumption of tangible personal property purchased, leased, or rented." Exempted items include the following: receipts from water, telephone, and telegraph services; sales of goods otherwise taxed (for example, automobiles and motor fuels); food and food products (but not restaurant meals); medical supplies sold by prescription; nonprescription drugs; animals and supplies used in agricultural production; and sales by university and college clubs and organizations (so long as the group has no more than one fundraising activity per month).

Of increasing importance to Texans and residents of other states that rely on sales taxes to support government is the issue of taxation of goods sold via the Internet. No sales tax is charged on items purchased from out-of-state ven-

How Do We Compare . . . in Revenue Losses from Internet Sales?

Projected Revenue Losses from Internet Sales (in millions of dollars)

Most Populous U.S. States	2001	2006	2011	U.S. States Bordering Texas	2001	2006	2011
California	$1,750.0	$5,952.0	$7,225.0	Arkansas	$143.8	$488.0	$590.9
Florida	$932.2	$3,214.0	$3,944.4	Louisiana	$302.6	$1,008.1	$1,202.5
New York	$1,052.9	$3,569.2	$4,318.4	New Mexico	$129.1	$440.2	$535.4
Texas	**$1,162.1**	**$3,957.0**	**$4,805.6**	Oklahoma	$202.8	$670.6	$794.5

Source: Donald Bruce and William J. Fox, *State and Local Sales Tax Revenues from E-Commerce: Updated Estimates* (Knoxville, Tenn.: Center for Business and Economic Research, September 2001), 8–9.

dors by the citizens of the Lone Star State. As the volume of Internet sales increases, this exemption has a detrimental effect on the state's tax revenue. Because Texas is so dependent on the sales tax to fund its government operations and services, based on the estimates above, the Lone Star State will suffer the greatest erosion (by percentage) to its revenue base of any state in the nation as Internet sales escalate over the first decade of the twenty-first century. Approximately 10 percent of tax collections will be lost to untaxed cybersales.

Texas also loses revenue to untaxed services. The general sales tax primarily applies to tangible personal property. Although a sales tax is charged for dry cleaning, football tickets, and parking, there is no tax on professional services and many business services. Therefore, accountants, lawyers, architects, and consultants provide their services tax-free. Proposals that would require these groups to charge and collect a sales tax have been strongly resisted. Since professional service providers and business represent some of the most powerful and well-organized interests in the Lone Star State, it will be difficult to make these groups subject to a sales tax. (See the chapter "The Politics of Interest Groups.")

Since 1931, when the legislature first imposed a sales tax on cigarettes, many items have been singled out for selective sales taxes. For convenience of analysis, these items may be grouped into three categories: highway user taxes, "sin" taxes, and miscellaneous sales taxes. Road user taxes include taxes on fuels used in motor vehicles that use public roads and registration fees for the privilege of operating those vehicles. The principal **sin taxes** are those on cigarettes and other tobacco products, alcoholic beverages, and mixed drinks. Sin taxes are among the easiest to increase in the state. Of items for which increased taxes were discussed by the 78th Legislature, the most popular was an increase on tobacco products. Some individuals noted that tobacco-related health care costs contributed to the budget shortfall; therefore, they believed tobacco users should shoulder a disproportionate share of any funding gaps. It was not approved, however. Additional items subject

to selective sales taxes include hotel and motel room rentals (also called a "bed tax") and retail sales of boats and boat motors.

Business Taxes As is the case with sales taxes, Texas imposes both general and selective business taxes. Corporations and other commercial enterprises operating in this state pay three **general business taxes**:

- Sales taxes, because businesses are consumers
- Franchise taxes, because many businesses operate in corporate form
- Unemployment compensation payroll taxes, because most businesses are also employers

The most important of the state's selective business taxes are levied on the following:

- Oil and gas production
- Insurance company gross premiums
- Public utilities gross receipts

These **selective business taxes** account for about 9 percent of the state's tax revenue.

Another important general business tax is the **corporate franchise tax**, which has been levied on business for almost 100 years. It is imposed on corporations for the privilege of doing business in Texas. The tax is levied on the capital, surplus, and undivided profits of most corporations, or on a corporation's annual income generated within the state if that amount is greater. Exempted from the franchise tax are banks, insurance companies, nonprofit corporations (such as churches and schools), and certain transport companies (mainly railroads and oil pipelines). This tax produces about $2 billion in state revenue each fiscal year.

In recent years, however, several major corporations have reorganized to avoid paying the franchise tax. Companies have incorporated in Delaware and formed partnerships in Texas because partnerships do not pay franchise taxes. In 2001, the state lost $79 million in franchise tax revenue from companies that had reorganized in this way. By 2003, this loss was expected to grow to $143 million as more corporations took advantage of this tax loophole. Although Governor Perry announced that he supported eliminating this practice, it failed to pass the 78th Legislature. In addition, many professional groups, such as doctors and lawyers, are organized as limited liability partnerships. This structure allows the partners to protect personal assets from claims by creditors while also avoiding paying state taxes on the firm's earnings.

All states have unemployment insurance systems supported by **payroll taxes**. The payroll tax is levied against a portion of the wages and salaries paid to individuals insured against unemployment. In Texas, general unemployment insurance tax rates vary from approximately 6.25 percent for a business

with a high turnover of workers to less than 0.25 percent for a business that provides steady employment for its employees. These amounts are paid into the Unemployment Trust Fund, which is distributed to workers who lose their jobs. Employers also pay a replenishment tax to compensate the trust fund for one-half of amounts paid the previous year that were not attributable to an identified employer. In addition, the Texas Workforce Commission is required to maintain a minimum balance in the trust fund of 1 percent of the state's total taxable wage base. A deficit tax is charged to each employer if the balance falls below the required minimum. This tax is not usually assessed, but because of increased unemployment insurance claims in 2002, employers paid a deficit tax. As a result, the effective tax rate actually varied between .67 percent and 8.47 percent on the first $9,000 of employee wages in that year.

Selective business taxes are those levied on businesses engaged in specific or selected types of commercial activities, in contrast to a general business tax, which is levied against a wide range of such operations. Because of a long history of reliance on oil and natural gas taxes, Texas has depended far more than other states on severance taxes, which currently account for approximately 4 percent of all tax collections. A **severance tax** is a tax levied on a natural resource when that resource is severed (mined, pumped, or otherwise removed) from the earth. Texas severance taxes are based on the quantity of minerals produced or on the value of the resource when removed.

The Texas **crude oil production tax** was designed with two objectives in mind: to raise substantial revenue and to help regulate the amount of oil produced. A rate of 4.6 percent of the market value of the crude oil produced generated less than $340 million in state revenue in 2002. This figure represented a decline of 23.5 percent from 2001.

As in the case of oil, the severance tax on natural gas has produced much revenue. The **gas gathering tax** currently provides more money to the state than the crude oil tax. A rate of 7.5 percent of the value of gas produced generated approximately $629 million in tax revenue in 2002. A dramatic increase in natural gas prices in 2001 resulted in a significant increase in gas gathering tax collections; however, declining prices caused a 60.6 percent decline in revenue from this tax source in 2002.

Texas levies a **gross receipts tax**, which is a selective business tax, on electric, gas, gas pipeline, telephone, telegraph, and water utilities that are privately owned and operated for profit. The **gross premium tax** on insurance companies is another form of selective business taxation. The state also collects an **insurance administration tax** of 2.5 percent of the value of administrative services fees collected by an insurance company.

Death Tax Texas collects a **death tax** equal to the amount that would be paid to the federal government in inheritance tax if the state did not levy such a tax. Therefore, if a federal tax is due on an estate, the amount of state inheritance

tax is determined by an Internal Revenue Service computation called the federal credit for state death taxes. The state tax equals the amount by which the federal inheritance tax is reduced through payment of a state tax. Exemption from federal taxation has been set at $1,000,000 for 2003. By 2009, only estates in excess of $3.5 million will be taxed; in 2010, the estate tax will be repealed for one year. Therefore, the federal inheritance tax, and Texas's death tax, will be eliminated in 2010. Unless the law changes, death taxes will be restored in 2011 and exemptions will once again be limited to $1,000,000.

Repeal of the estate tax was one of President George W. Bush's first proposals to the federal Congress in 2001. He continued his efforts for a full repeal of the estate tax beyond 2010. In 2002, death tax payments accounted for 1 percent (approximately $334 million) of all of Texas's tax collections.

Tax Burden The state comptroller's office places Texas well below the national average for the tax burden imposed on its residents. In 2001, when state taxes alone were considered, the Lone Star State's average was $1,380 per capita, ranking it 48th among the 50 states. Texas ranks 15th among the 15 most populous states in this regard.

A significant part of the tax load falls on Texas businesses, especially oil companies, insurance companies, and public utilities. Based on past experience, these burdens on businesses are likely to be passed on to customers.

Tax Reform Distrust of state government in collecting and managing revenues and expenditures endures. Political careers in Texas have been nurtured and prolonged by appealing to the "no new taxes" ethic. Despite predictions of a budget shortfall ranging from $5 billion to $16 billion for the 2004–2005 biennium, 35 legislators signed "taxpayer protection" pledges circulated by Americans for Tax Reform. The group has circulated the pledge forms since 1986. Under the document, lawmakers "pledge to the taxpayers [of their] District . . . and to all of the people of [the] state [to] oppose and vote against any and all efforts to increase taxes." Among those taking the pledge were House Speaker Tom Craddick and Representative Talmadge Heflin, chair of the House Appropriations Committee. In addition, strong lobbies representing powerful business interests pressure legislators to protect the financial positions of their clients. Finally, many, if not most, Texans hold to the conventional wisdom that most tax money is squandered by uncaring public officials.

Revenue from Gambling

Texas receives revenue from three types of gambling operations: horse racing and dog racing, a state-managed lottery, and bingo games. The 77th Texas Legislature considered bills that would allow Texas's three Native American tribes to open casinos on their reservations. These bills did not pass. All three tribes operated casinos. They argued these operations were permitted under federal law; however, only the Kickapoos near Eagle Pass prevailed.[6] Under a

1987 agreement with the U.S. government, which restored tribal rights to receive federal aid, the Tiguas near El Paso and the Alabama-Coushatta tribe in East Texas agreed to restrict their gambling operations to only those games of chance that the state of Texas can also conduct, such as the lottery. The Kickapoo nation, however, was not established until 1983 and was not a party to the 1987 agreement. The tribe operates the Lucky Eagle Casino in Eagle Pass, but it too is restricted in the types of permitted gambling operations. Players can only compete against each other in games of chance. They cannot compete against the "house" as one would do in a Las Vegas casino. A tribal leadership dispute resulted in a temporary closure of the Lucky Eagle in late 2002. It has since reopened.

Racing Texans voted to legalize pari-mutuel wagering on horse races and dog races in 1988. Although betting wagers are taxed, this levy has never been a significant source of revenue for the state. Originally, income to the state resulted from a 5 percent tax on horse racing bets and a 6 percent tax on greyhound racing wagers. Those rates were significantly lowered at the strong urging of track promoters. Currently, the state receives only 1 percent of the first $100 million in horse racing and greyhound racing wagers. The state's share increases 1 percent with each successive $100 million and 5 percent of all amounts in excess of $500 million. In addition, the Texas Racing Commission obtains its operating funds from licensing fees and uncashed betting tickets. In 2001, the Racing Commission collected approximately $30,000 less than its operating expenses.

Points to Ponder

- Texas has five horse racing tracks.
- Texas hosted its first million-dollar horse race in November 2002 at Lone Star Park in Grand Prairie. The race was won by Capones Vault of Bob Moore Farms of Norman, Oklahoma.
- Texas has three greyhound racing tracks.
- Texans spent $133 per capita on the Texas Lottery in 2001.

Lottery Texas operates one of 39 state-run lotteries. Texas voters overwhelmingly endorsed its creation in 1991, when they adopted a state constitutional amendment. The first lottery tickets, for a "scratch-off" instant-winner game, went on sale in July 1992, and a Lotto game was launched in January 1993. First-day ticket sales exceeded $23 million.

First-year Lotto sales alone exceeded $1 billion, establishing a national record for lottery game sales. After quadrupling in sales between 1993 and 1996, lottery revenue began a steep decline in late 1997 after the Texas Legislature attempted to lower lottery payouts. Subsequently, the commission's annual advertising budget was reduced. Then, four additional numbers were added to the Lotto game. Chances for winning declined from 1 in 16 million

to 1 in 26 million. The likelihood of fewer winners was expected to result in larger jackpots. The chance to win more money was anticipated to increase ticket sales. Despite the changed odds, frequent Lotto winners kept jackpots low. Participation declined greatly. In 2003, the Lottery Commission made changes that decreased the odds of winning to 47.7 million to 1. Under revised rules, players have a better opportunity to win small prizes, but increased odds against winning the jackpot. The 78th Legislature authorized participation in a multi-state lottery, such as Powerball or Mega-Millions.

All profits from the lottery are dedicated to public education spending, rather than to the General Revenue Fund. This information cannot be disclosed in lottery advertisements; however, the Texas Lottery Commission does publicize the information on its web site. In 2002, lowered sales resulted in less than $1 billion in lottery profits. That amount constitutes a small portion of the state's annual budgeted expenditure of more than $14 billion on public education.

Unclaimed prizes from the Texas Lottery revert to the state 180 days after a drawing. These funds are transferred to hospitals across the state to reimburse them for unfunded indigent medical care. During FY2002, more than 100 hospitals shared $57.2 million in unclaimed lottery proceeds. Awards ranged from $40 million to the University of Texas Medical Branch at Galveston to $184 to a hospital in Tahoka, a small town near Lubbock.

Bingo In 1981, the Texas Legislature authorized bingo games to benefit charities (for example, churches, veterans' organizations, and service clubs). There is a tax of 5 percent on bingo prizes, but the state's revenue from bingo taxes remains low, providing approximately $24 million in state revenue in 2002. Interest in and revenue from traditional bingo games steadily weakened over the 1990s.

As the number of players declined, observers offered a variety of explanations. Some attributed lowered interest to the lure of an assortment of games, from casinos in nearby states and on the Internet to lottery tickets at local convenience stores. Others argued that low payouts of bingo winnings limited participation because no prize can be greater than $5,000. Supervision by an agency in direct competition with bingo proprietors was also seen as a problem. Operators expressed concern to the Sunset Advisory Commission that the Texas Lottery Commission devoted its resources and efforts to promoting lottery sales to the detriment of bingo games. The latter commission runs the Texas Lottery, the proceeds of which are paid directly to the state; it merely supervises bingo operations, the proceeds of which are paid to charities and private operators.

Nontax Revenues

Less than 50 percent of all Texas state revenue comes from the taxes analyzed above; therefore, nontax revenues are an important source of funds. More

than half of these revenues (some 33 percent of the total revenue in the 2003–2004 biennium) is derived from federal grants, but state business operations (such as interagency sales of goods) and borrowing also are significant sources of revenue.

Federal Grants-in-Aid Gifts of money, goods, or services from one government to another are defined as **grants-in-aid.** In the 1960s and 1970s, federal grants-in-aid contributed more revenue to Texas than any single tax levied by the state. In 1982, when the state sales tax first exceeded federal funding, the principal losers were education, welfare, and health programs. As federal funding declined, Texas and most other states responded by reducing expenditures rather than raising taxes or redirecting spending. Over 95 percent of federal funds are directed to three programs: health and human services, business and economic development (especially highway construction), and education. For the 2002–2003 biennium, federal funds, including grants, were expected to account for more than $35 billion in revenue.

State participation in federal grant programs is voluntary. States choosing to participate must:

- Contribute a portion of program costs (varying from as little as 10 percent to as much as 90 percent)
- Meet performance specifications established by federal mandate

Funds are usually allocated to states on the basis of a formula. Factors commonly used in deriving a formula include lump sums (made up of identical amounts to all states receiving funds) and uniform sums (based on a number of items that vary from state to state: population, area, highway mileage, need and fiscal ability, cost of service, administrative discretion, and special state needs).

Traditionally, many Texans have been opposed in principle to federal grants, usually on the grounds that federal money tends to erode the rights and powers of the state. Nevertheless, Texas has not been reluctant to take part in programs that would provide large sums of money for projects that have popular approval (for example, highway construction). Federal funding for public assistance programs such as Medicaid is accepted because the state receives $1.50 in health care benefits from the U.S. government for every $1 it spends for indigent health care. Federal support for public education is sought because it allows school districts to supplement programs in schools to improve classroom instruction, student services, and teacher quality.

Early in 1990, the comptroller of public accounts began distributing a series of five reports analyzing federal grants-in-aid to Texas state and local governments. Those reports contend that Texas failed to receive its fair share of federal money. In fiscal year 1988, for example, Texas ranked 49th in federal dollars received on a per capita basis. By 2001, however, Texas ranked 36th, although as Figure 10.5 illustrates, the state still received only $.95 in federal assistance for every tax dollar sent to Washington, D.C.

Figure 10.5 Winners and Losers—Fiscal 2001 Return on Federal Tax Dollar *Source:* Reprinted by permission of Northeast Midwest Institute, Washington, D.C., 2002.

Texas benefited further from President George W. Bush's association with the state. For example, Bush's "No Child Left Behind" program is modeled on the programs developed for Texas's public education system during his gubernatorial terms. As a result, Texas received almost $400 million to assist with improving public education in the state in 2002 and an additional $600 million to fund the shortfall in 2003. All federal funding to Texas increased by 20 percent between 2000 and 2002. As the Texas population has grown, so has the state's willingness to seek federal assistance. With President Bush in the White House, Texas has been rewarded in its efforts to obtain federal funds.

Land Revenues Texas state government receives a substantial amount of nontax revenue (more than $325 million in fiscal year 2002) from public land sales, rentals, and royalties. Sales of land, sand, shell, and gravel, combined with rentals on grazing lands, building equipment, and prospecting permits, account for approximately 3 percent of this revenue. The remaining 97 percent is received primarily from oil and natural gas leases and royalties derived from state-owned land. The General Land Office manages more than 20 million acres for the state and has responsibility for selling, leasing, and renting the surface and minerals of the property.

The Tobacco Suit Windfall Early in 1998, the American tobacco industry settled a lawsuit filed in 1996 by Texas attorney general Dan Morales. Over 25 years, cigarette makers will pay the Lone Star State $18 billion in damages for public health costs incurred by the state as a result of tobacco-related illnesses statewide. The lawsuit settlement supplemented the 2002–2003 budget by $945 million in settlement proceeds and $134 million from the endowment created in 1999 from initial payments under the settlement agreement. These funds support a variety of health care programs, including the Children's Health Insurance Program, Medicaid, tobacco education projects, and endowments for health-related institutions of higher education. Payments averaged more than $500 million per year through 2003, a sum equal to less than 1 percent of the 2002–2003 state budget of $117 billion.

Threats of increased taxes and reduced government services from the economic downturn in 2002 led business groups and others to suggest selling all or a part of the tobacco settlement funds to private investors. This practice is called **securitization**. Some state governments, such as Arkansas and South Carolina, led the way selling bonds backed by future payments from their tobacco settlements. Because private investors risk that settlement payments will not be made over time, bond prices are heavily discounted. For example, South Carolina sold $2.3 billion in future payments to investors for $934 million, approximately 40 percent of face value. The major advantage of these bond sales is the immediate cash payment to the state. An obvious disadvantage is the amount of the discount, which sharply decreases the total cash the state will receive.

In Texas, the issue was further complicated because tobacco settlement proceeds were used to fund health care programs for poor children. Opponents

argued that "cashing out" the tobacco fund placed CHIP at risk for funding in future years. Proponents argued that state economic conditions were more likely to improve in the coming years if state taxes were kept low during the financial downturn. Once the economy improved, they predicted, adequate money would be available to fund CHIP.

Miscellaneous Sources Fees, permits, and income from investments are major miscellaneous nontax sources of revenue. Fee sources include motor vehicle inspection fees, college tuition fees, other student fees, patient fees at state hospitals, and certificate-of-title fees for motor vehicles. The most significant sources of revenue based on permits are special truck and automobile permits; liquor, wine, and beer permits; and cigarette tax permits. Income from fees and permits currently approximates $4 billion per year. These sources of state funding were targeted by Governor Perry for increases to improve state revenue.

At any given moment, Texas actually has on hand several billion dollars invested in securities or on deposit in interest-bearing accounts. Trust funds constitute the bulk of the money invested by the state (for example, the Texas Teacher Retirement Fund, the State Employee Retirement Fund, the Permanent School Fund, and the Permanent University Fund). Declines in the stock market in the opening years of the twenty-first century resulted in a reduction in value in the Permanent University Fund and other trust funds.

Losses to the Teacher Retirement Fund equaled about 20 percent of the portfolio value from 2000 to 2002. Similar losses in value to other trust funds subjected their investment managers to significant scrutiny. Some managers sought to protect information about how poorly their investments had performed. For example, the University of Texas Investment Management Company attempted to limit disclosures about profits and losses from some of its higher-risk investments. Efforts by newspapers across the state forced a policy change by UTIMCO's board that led to disclosures indicating these funds had lost value, although not in any greater amount than comparable investments by other companies. Comptroller Carole Keeton Strayhorn was criticized for having selected some investment managers for state money who had made significant contributions to her election campaigns. Losses in value of state investments resulted in demands for greater public disclosure and elimination of possible conflicts of interest.

The Public Debt

When expenditures exceed income, governments finance shortfalls through public borrowing. Such deficit financing is essential to meet short- and long-term crises and to pay for major projects involving large amounts of money. Most state constitutions, however, severely limit the authority of state governments to incur indebtedness.

For more than 50 years, Texans have sought, through constitutional provisions and public pressure, to force the state to operate on a pay-as-you-go

basis. Despite those efforts, the state is allowed to borrow money in several ways, including the following:

- General obligation bonds, which must be approved by constitutional amendment, are guaranteed by the full faith and credit of the State of Texas, and are repaid from the General Revenue Fund
- Revenue bonds, which do not require voter approval and are repaid from a specific revenue source
- Commercial paper, which must be approved by constitutional amendment if it is to be repaid from the General Revenue Fund
- Tax and revenue anticipation notes, which do not require voter approval, are used to cover temporary cash flow shortages, and must be repaid by the end of each biennium
- Variable rate notes, which are often used for equipment purchases and short-term financing

Since 1988, Texas voters have increased borrowings that must be repaid from the General Revenue Fund by almost 500 percent. Thus, many Texas voters approve both a balanced budget and bond amendments that authorize the state to borrow money.

Growth of Bonded Debt State constitutional amendments approved since 1946 authorize the creation of **bonded debt**. According to the Comptroller's Office, Texas's bonded debt includes the borrowings amassed by the sale of college-issued bonds and other revenue bonds issued by various state agencies. Reports by the Texas Bond Review Board placed Texas's bonded debt at approximately $17.3 billion at the end of FY2002. The exact amount of bonded debt the state owes fluctuates daily as new bonds are issued and sold and old ones are redeemed and retired. By constitutional amendment Texans have limited the amount the state may borrow through general obligation bonds. This provision states that annual debt service may not exceed 5 percent of the average balance of the General Revenue Fund for the previous three years. In 2002, Texas's debt service was only about 2 percent of this average.

Most of the outstanding bonded debt is in either of two forms: self-liquidating revenue bonds guaranteed from income produced by the activity financed (for example, veterans' land bonds and college student loan funds), or limited obligation bonds guaranteed by income from specific taxes or assessments (for example, college building bonds). Although veterans' land loans have produced sufficient revenue to be self-liquidating, unpaid college student loans increased as many students failed to repay the money they had borrowed.

Voters have approved the creation of two treasury funds. One fund is utilized to encourage economic development in the state. Money from this fund is used "to aid in the development and production of new or improved products" by private businesses. It is also used "to foster and stimulate" agricultural production, processing, and marketing by small Texas businesses. The

other, the "economic stabilization" fund (popularly called the **"rainy day" fund**), is to be used primarily to prevent or eliminate temporary cash deficiencies in the General Revenue Fund. The "rainy day" fund is financed with any excess money remaining in the General Revenue Fund at the end of any biennium and with natural gas taxes that exceed 1987 collections. This fund has been used to provide temporary support to public education and the criminal justice system, as well as the state's Enterprise Fund to attract new businesses.

In a time of declining government revenues, the $1 billion "rainy day" fund (as of 2003) became the target of those seeking ways to balance the state budget without increasing taxes or decreasing services. Both the Texas Association of Business (TAB), an organization of business owners and employers, and the Center for Public Policy Priorities (CPPP), a think tank that focuses on the needs of low- and moderate-income families, proposed that the state tap into the "rainy day" fund. The TAB believed this action would avoid a tax increase. The CPPP, however, argued it would avoid a reduction in government services. Those who opposed using any of this money argued that the financial condition of the state did not justify depleting the fund.

The legislature has followed the strategy of asking Texas voters to approve additional bond issues rather than submit to new or increased taxes. In effect, lawmakers have chosen to borrow money to finance construction of new prison facilities, mental health and mental retardation institutions, youth correctional institutions, and statewide law enforcement facilities (as well as major repairs and renovations of such facilities). By constitutional amendment, citizens of the Lone Star State have increased the kinds of state activities that can be financed through bonds. In 2001, voters approved creation of the **Texas Mobility Fund** to allow the state to borrow money to finance highway construction. After issuing $2.2 billion in bonds, construction began on Texas 130, a tollway to provide an alternative route around Austin. Bonds will be repaid from tolls collected for roadway usage.

Bond Review Specific projects to be financed with bond money require legislative approval. Bond issues also have to be approved by the Texas Bond Review Board. This board is composed of the governor, lieutenant governor, speaker of the House, and comptroller of public accounts. It approves all borrowings with a term in excess of 5 years or in an amount in excess of $250,000.

The Politics of Spending

Elected officials have worked to keep taxing levels low. As a result, Texas has also kept its per capita spending levels among the lowest in the nation. Some observers believe that this limited funding is merely deferring significant problems in the areas of education, transportation, and social services.

Analysts of a government's fiscal policy look at public expenditures in two ways. One method is according to function—that is, the services being purchased

How Do We Compare . . . in Per Capita Expenditure by Function?

Per Capita Expenditures by Function (in total dollars) for FY2000

	Most Populous U.S. States				U.S. States Bordering Texas			
Function	California	Florida	New York	Texas	Arkansas	Louisiana	New Mexico	Oklahoma
Education	1,473	899	1,091	**1,098**	1,488	1,208	1,740	1,314
Public welfare	1,076	573	1,619	**569**	743	693	804	264
Health care	320	206	357	**218**	253	415	362	153
Highways	172	238	172	**233**	279	246	478	355
Police and corrections	162	162	154	**150**	130	174	162	162
Government administration	156	119	185	**67**	126	103	180	119
Interest on debt	77	67	193	**50**	45	92	98	68
Natural resources	67	90	19	**34**	77	84	75	60
Parks and recreation	11	10	27	**3**	29	43	24	19
Other	902	463	1,290	**474**	419	647	859	570
Total Expenditures	4,421[a]	2,828[a]	5,107	**2,898**[a]	3,587[a]	3,704[a]	4,782	3,080[a]

Source: U.S. Census Bureau, *Federal, State and Local Governments: 2000 State Government Finance Data*, 2002.

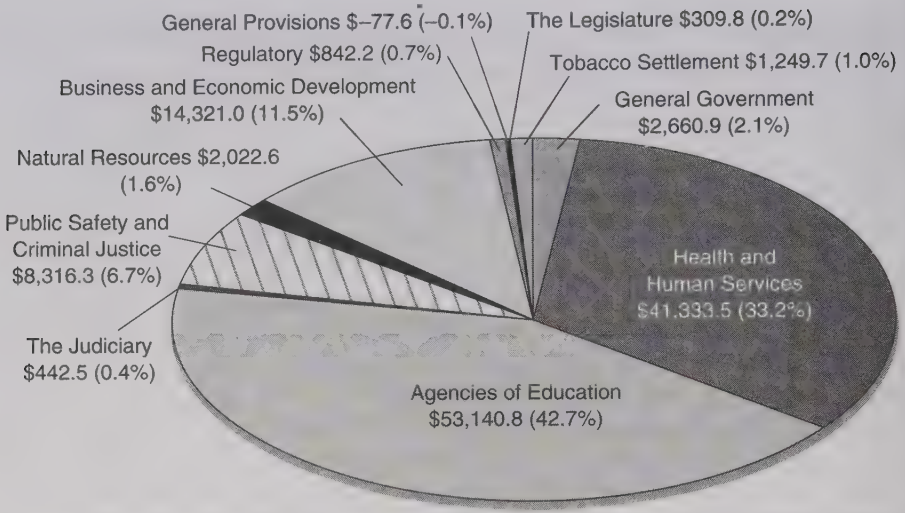
[a]Some columns do not sum due to rounding of expenditure amounts.

(for example, education, highways, welfare, health, and protection of persons and property). Figure 10.6 illustrates Texas's proposed **functional expenditures** for fiscal years 2004–2005. The other method is according to the object of the expenditure, or **objective expenditures** (goods and services purchased to render the functional services, such as wages and salaries of public employees, medical assistance to needy individuals, and supplies and materials).

For more than four decades, functional expenditures have centered on three principal functions: public education, human services, and highway construction and maintenance. Similarly, three items have led all objective expenditures for most of that period: salaries and wages, medical and other assistance to needy individuals, and aid to public schools.

Purchasing Services

Three factors are usually identified as significant reasons Texans demand more and better public services. First, changing social and economic conditions lead to increased demand for government activity. For example, increased dependence on cars requires expensive highways, streets, bridges, and parking facilities. Technological advances in communications, heavy industry, and energy supply spur demands for government regulations to protect consumers and the environment.



Total = $124,561.6 billion. The adopted budget was approximately $117 billion.
Note: Excludes interagency contracts. Totals may not add because of rounding.

Figure 10.6 Texas Legislative Budget Board's Biennial Budget Recommendations for Fiscal Years 2004–2005 *Source*: Legislative Budget Board, *Summary of Legislative Budget Estimates for the 2004–2005 Biennium*, January 2003, 1.

Second, a changing attitude toward the proper role of government contributes to public demand. Traditionally, Texans and other Americans expected their governments to provide few, if any, services. Gradually, however, this attitude changed. Today, citizens expect governments to take positive action to promote the general welfare. Since the 1990s, however, there has been a trend toward less government involvement in the lives of individuals.

Finally, an expanded concept of democracy affects the demand for public services. For today's Texans, democracy has come to include some degree of economic equality as well as political equality. This has brought about demands for government regulation of wages and working conditions. In addition, citizens expect government to help them find jobs and to provide unemployment compensation for the jobless.

Public Schools: Kindergarten Through High School Although public education in elementary and secondary schools is a major state function, it is administered largely by locally elected school boards. Providing a basic education for all school-age children (more than 4 million in 2003) is the state's most expensive public service. For the 2002–2003 biennium, this activity accounted for almost 30 percent of the state's expenditures (almost $14 billion per year). According to the Texas Education Agency, state funding for academic year 2001–2002 accounted for 42 percent of the total cost of public

education in the state. The balance was paid through local taxes and federal grants. The LBB's proposed budget placed responsibility on local school districts for all spending increases required to educate the 140,000 additional public school students who were added to the rolls in 2004–2005.

In promoting public education, Texas state government has usually confined its activity to establishing minimum standards and providing basic levels of financial support. Since 1949, state funding policy for public education has been based on three principles that underlie the Foundation School Program. First, the state establishes minimum, or foundation, standards for various areas of public school operations. Second, the cost of the program is funded by a combination of state and local resources channeled to the local districts on an equalized basis. Thus, rich districts pay more of the cost from local taxes and receive less state aid, whereas poor districts contribute less from local taxes and receive more state aid. Third, local districts are allowed to enrich their programs by levying higher local taxes.

The cost of three elements—salaries, transportation, and operating expenses—is shared by local districts and the state government. Recent salary increases for teachers and the provision of health insurance benefits to teachers and other school employees have increased the cost of public education at both the state and local levels. Local funding of school systems is based primarily on the market value of taxable property within the school district, because local schools raise their share primarily through property taxes. Average daily attendance of pupils in the district, types of students (for example, elementary, secondary, or disabled), and local economic conditions are used to determine the state's share.

A continuing controversy surrounding public school finance in Texas has been court-mandated funding equalization. School districts with a tax base that exceeds a set value per student (approximately $305,000 in value in 2002–2003) are considered wealthy districts that must share property taxes with poorer districts. In addition, districts are limited in the amount they may tax property owners for maintenance and other costs. As an increasing number of school districts reached the taxation cap, pressure mounted to change Texas's school finance system. Unfortunately, these challenges arose at the same time as the budget crisis. Although many politicians expressed concern, the method of equalization was abolished, but not replaced. Observers predicted a special session to resolve the issue.

Funds to finance the Foundation School Program are allocated to each school system from the Foundation School Fund. This fund receives its money from the Available School Fund (revenue received from a variety of state taxes and income from the Permanent School Fund), the School Taxing Ability Protection Fund (money appropriated by the legislature to offset revenue reduction incurred by rural school districts), proceeds from the Texas Lottery, and the General Revenue Fund.

Public Higher Education Texas maintains a variety of higher education institutions, including state-supported universities and four colleges within the Texas State Technical College System. In addition, public community (junior) colleges are supported by local governments with assistance from the state. There are 50 of these locally controlled college districts, many of which have more than one college campus.

State financing of public community or junior colleges is based on a "contact hour of instruction" rate for vocational-technical and academic courses. This rate concerns hours of contact between instructor and students. These two-year institutions use local property tax revenues, tuition, fees, gifts, and state and federal grants to finance their operations. State support as a percentage of total cost for community college operations has steadily declined from 49.6 percent in 1995 to 41 percent in 2002. During that same time period, costs have increased. This gap in funding has been financed by students and local taxpayers as student tuition and fees have increased 62 percent and local property tax revenue has risen 126 percent.

Thirty-five state universities and the Texas State Technical College System obtain basic financing from money appropriated biennially by the legislature from the General Revenue Fund. They also obtain money from fees other than tuition fees, such as student service and computer use fees (which are deposited in the General Revenue Fund), auxiliary services income (for example, rent for campus housing and food service fees), grants, gifts, and special building funds. The University of Texas and the Texas A&M University systems share revenue from the Permanent University Fund (PUF) investments, with the University of Texas System receiving two-thirds of the money and the Texas A&M University System receiving one-third.

Nationally, the cost of a college education has risen 110 percent faster than inflation since the 1980s. To cover these escalating costs, state support for public universities in Texas has increased by 19 percent over the last ten years. Additionally, the governing boards of state-supported institutions were allowed to increase tuition and other student fees within limits specified by the Texas Legislature. Since 1992, tuition costs have risen 63 percent (the fourth highest increase in the nation). Nevertheless, student-funded costs at public universities in the Lone Star State remain below the national average. In 2002–2003, tuition and fees nationally were $4,081. The typical Texas student paid $3,152, ranging from a low of $2,036 in tuition and fees at the University of Texas at Brownsville to a high of $5,340 at the University of Texas at Austin.

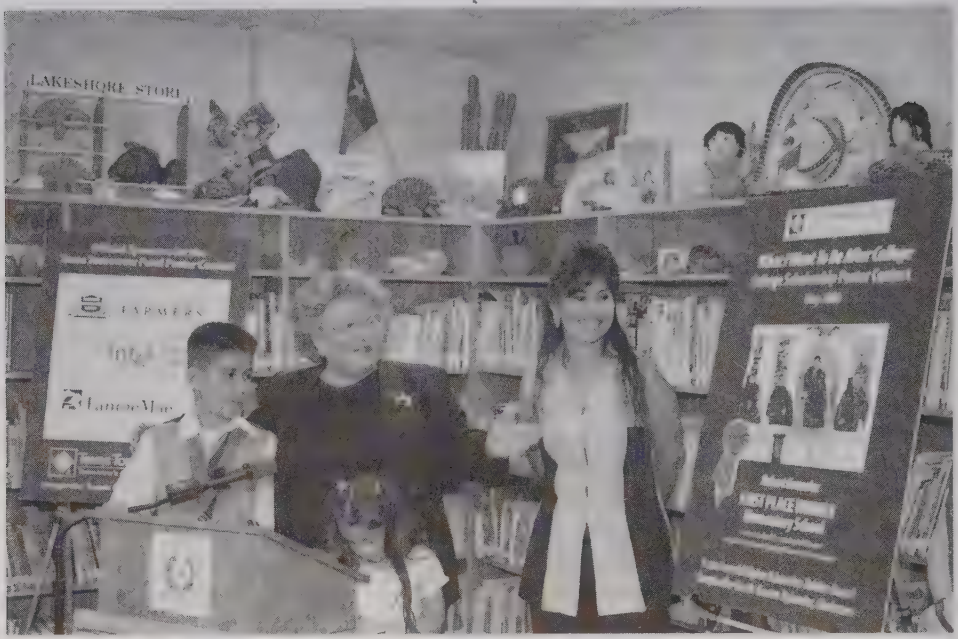
In late 2002, the University of Texas System sought to eliminate legislative caps on tuition and fees. According to university officials, current funding limitations threatened the University of Texas at Austin's ability to remain a premier research institution. In their view, inadequate funding from state sources and restrictions on tuition and fee increases were to blame. Rather than continuing to fight for state dollars through the legislature, UT adminis-

trators and regents preferred more direct control over their financial future. Although some legislators did not support the proposal, fearing that escalating tuition and fees would limit access to higher education, Governor Rick Perry favored this proposition, and it became law. The more money universities receive in tuition, the less they require from the state.

To address rising costs, the legislature created the Texas Tomorrow Fund, now known as the Texas Guaranteed Tuition Plan. This fund enables future students to lock in the cost of tuition and fees at public colleges and universities and also to lock in the average statewide tuition and fee costs at private institutions in Texas. For example, parents of a child born in 2002 could make one lump sum payment of approximately $17,500 to cover 128 credit hours for their child at any public university in the state. The projected cost of college tuition and fees at the time of enrollment for that same child is as high as $115,000. Investment earnings on the money paid into the Tuition Plan were intended to match much of the projected increase in tuition costs. By constitutional amendment, amounts contributed to the Tuition Plan and the state's agreement to provide an education for the contracted cost are backed by the full faith and credit of the state of Texas. Since the program's inception in 1996 through 2002, more than 132,000 families have participated. The projected escalation in tuition caused by the universities' ability to set tuition rates resulted in a temporary suspension of the plan through 2003.

Living costs can be covered by investment in Tomorrow's College Investment Plan. This program, authorized in 2001 by the Texas Legislature, allows for tax-free growth of investment income. Individuals can withdraw earnings without paying federal income taxes, so long as the money is used to pay college-related expenses. The Texas Tuition Plan and Tomorrow's College Investment Plan are now referred to jointly as the **Texas Tomorrow Funds**. Information is available from the Office of the State Comptroller.

Higher education funding increases have been most significant in the area of student financial aid. Rather than give money directly to colleges, legislators across the country have preferred to provide funding to students and to allow students to select the institution at which the funds will be spent. In Texas, two new financial aid programs were established by the 76th Legislature in 1999. The **TEXAS Grants Program** (Toward Excellence, Access and Success) provides grant funding to qualifying students. To be eligible, a student must be a Texas resident, enroll in college within 16 months of high school graduation, show financial need, and have no convictions for a crime involving a controlled substance. The student must maintain a 2.5 grade point average in college to continue to qualify. Public colleges and universities have to accept the grant as full payment of an eligible student's tuition and fees, even if the institution's costs are higher. For academic year 2002–2003 this amount was calculated as $1,475 per semester for students attending universities and $635 per semester for those enrolled at community colleges. The Texas Legislature increased funding for this program in 2001; however,



Texas Tomorrow Fund poster contest winner Robert Gonzales (left), with Texas Comptroller Carole Keeton Strayhorn; his sister, Adriana Stroud; and his mother, Dioce Stroud. For drawing the first-place poster in the elementary school category, Robert earned a four-year scholarship covering tuition and required fees to any Texas public university or college. *(Photo courtesy of Comptroller of Public Accounts, Carole Keeton Strayhorn)*

colleges and universities returned approximately $17.5 million to the state in unfunded grants in 2002. The other program, Teach for Texas, was converted by the 78th Legislature from grants to loan repayment assistance for eligible teachers. Repayment assistance is available for five years. Information about both of these programs is available from the Texas Higher Education Coordinating Board.

Human Services Until the 1930s, responsibility for providing financial assistance to needy individuals belonged exclusively to state governments. Public welfare services today, however, are a prime example of a state function that is shared with the federal government.

Many state governments developed **income maintenance programs** to provide support for the nonworking poor: aid for mothers with dependent children in the home, old-age assistance programs, and assistance to blind individuals. In 1935, because of rapidly growing costs, Congress came to the states' aid by passing the Social Security Act. This act established two income maintenance programs that have survived: contributory social insurance (unemployment and

old-age insurance) and assistance to the needy (aid to blind, aged, and disabled persons, as well as children). With coverage expanded to include survivors and individuals with disabilities, and with health insurance added, the first of these programs came to be known as Old Age, Survivors, Disability, and Health Insurance (commonly called Social Security). The second, widely known as **welfare**, was expanded to include aid to families in which a parent has been lost through death, disability, or absence from the home.

Since 1972, when Congress enacted the Supplemental Security Income (SSI) Act, the U.S. Social Security Administration has been responsible for direct payments for old-age assistance, aid to blind individuals, and aid to persons with permanent and total disabilities. The cost of providing Temporary Assistance for Needy Families (TANF) is shared by state and national governments. Likewise, the state provides medical assistance to most public aid recipients, except those receiving Medicare (exclusively national) and Medicaid (shared between nation and state). In the mid-1990s, both state and federal laws were enacted that modified their respective responsibilities for providing welfare benefits.

The Lone Star Card (which is similar to a bank credit card) is used to deliver food stamp assistance and TANF benefits to qualified Texans. Use of the card reduces fraud and makes it easier to trace some types of abuse because of computerized records. Investigators have identified criminals (primarily drug dealers) who were persuading some recipients to turn over cards in return for cash and then using the cards to obtain their own groceries. In addition, crooked retailers also learned to ring up large but phony purchases on the cards and split the cash with the cardholders.

The most significant spending rise in the 2002–2003 budget was for health and human services expenditures—reflecting an increase of 17 percent over the 2000–2001 biennium and an expenditure of $35 billion. Even so, this amount was inadequate. As occurred in 2000–2001, the cost of Medicaid and CHIP exceeded budget allocations for the biennium by almost $400 million. Increased caseloads and rising prescription costs were the primary cost drivers. (See Reading 10.2, "Pediatrician Views Health Care Through Eyes of the Future: A Prescription for Compassion," for one doctor's response to indigent health care needs.)

To supplement Medicaid funding, the Texas Department of Health and Human Services attempted to implement a cost-sharing program for those more able to pay for prescription drugs. Individuals who could afford to pay were to be charged from $.50 to $3.50 for each prescription up to an $8 per month cap. Federal law, however, does not allow anyone who qualifies for services to be denied treatment or prescription drugs because of an inability to pay. State officials required pharmacies to request the copayments and to cover any amounts Medicaid recipients were unable to pay. Upon its implementation, the Texas Pharmacy Association and several pharmacists successfully sued the state to stop the practice.

More than 60 percent of funding for Medicaid and TANF benefits is from the federal government. Approximately 70 percent of CHIP funding is from the federal government. The remainder of CHIP funding is from tobacco settlement money. Among programs needing additional funding in the 2004–2005 biennium budget, but not necessarily receiving it, were:

- Medicaid, as a result of higher numbers of people qualifying for services
- Child care for TANF recipients, as a result of demand and need
- CHIP, as a result of the increasing number of eligible children and rising medical costs
- Children's Protective Services, to increase the number of caseworkers dealing with abused, neglected, and abandoned children due to increasing caseloads

Texas remains bound by constitutional limits on spending for needy children. No more than 1 percent of the state budget (exclusive of federal funding) can be used for child welfare spending. Texas political attitudes of self-reliance further limit spending for the poor. At the beginning of the twenty-first century, Texas legislators faced the dilemma of balancing increased costs for medical and indigent care with the availability of funds. Although most of the uninsured children in Texas were eligible for Medicaid, the system remained so complex that their parents were unable to qualify them for benefits. Challenged to make the system accessible to more eligible people, especially children, qualifying procedures were eased so that children only had to be registered annually. Combined with difficult economic conditions, the number of Medicaid recipients soared. Legislators and Governor Perry were unwilling to relax restrictions to make services more accessible to adults. Further, registration procedures and accessibility for children were made more difficult by the 78th Legislature. Texas remains one of the least accommodating states for indigents with the highest percentage of uninsured children in the nation.

Public Transportation Providing public transportation services in the United States is primarily the responsibility of state and local governments, although this function also is financed in part by the federal government. Public transportation may involve mass transit systems (for example, subways and railways), but public transportation in Texas has come to mean a system of highways and roads designed for automobiles, trucks, and buses. Thus, state transportation policy in Texas has become highway policy.

Transportation priorities have produced two important results. Texas policy encourages motor vehicle use to the detriment of other forms of transportation (especially mass transit systems). It has favored construction of new highways and roads over the maintenance of existing ones. In the past, more than 90 percent of all highway expenditures were earmarked for new

construction. Today, however, emphasis is increasingly on reconstruction and maintenance.

The pay-as-you-ride system of financing roads and highways has led Texas to transfer much of this cost to users. Principal sources of highway funds are motor fuel taxes, motor vehicle registration fees, and the federal Highway Trust Fund, to which certain federal highway user taxes are allocated. Federal aid to states is dedicated primarily to highway construction rather than to maintenance and operating expenses; the latter are the exclusive responsibility of the state. By constitutional amendment, Texas now allows some borrowing through sale of bonds to finance road construction. Both the Texas Mobility Fund (previously discussed) and a $175 million bond issue adopted by voters in 2001 allowed the state to borrow money to finance road construction. One of Governor Rick Perry's key programs has been the Border Initiative, which provides for construction and improvement of highways along the Texas border with Mexico. A portion of the $175 million bond issue was used for this purpose. State-constructed toll roads are another way the Lone Star State is meeting the need for new roads with limited state funds. Texas Mobility Fund bonds are being used for this construction.

Rural roads, except those designated as farm- and ranch-to-market roads, remain the fiscal responsibility of county governments. Despite low tax rates, Texas has built one of the best highway systems in the nation. Over time, funding priorities have changed. In the 1960s, Texas dedicated as much as one-third of its budget to highway construction. Today, a little more than 5 percent of state revenue is used for highway construction and maintenance. Meeting future highway needs will almost surely require more money and thus higher taxes, new taxes, or alternative funding mechanisms, such as toll roads.

Public Safety Programs Historically, responsibility for protecting persons and property and for other public safety programs was delegated to local governments. Today a variety of state agencies share the responsibility. The Department of Public Safety, for example, performs routine highway patrol functions, assists local law enforcement authorities in handling major crimes, and coordinates statewide efforts against lawlessness. For confinement of convicted felons, the Texas Department of Criminal Justice operates a system of prison units and state felony jails. (See the chapter "Laws, Courts, and Justice.")

In an effort to meet the prison population crisis in the 1990s, the Texas Legislature decided to pursue two strategies: significantly increasing appropriations for prisons and borrowing money to construct and staff new prisons and state jails. Funding was increased for operating these additional penal facilities. Salary increases for correctional officers resulted in increased expenditures for criminal justice programs. A study conducted by the Justice Policy Institute in 2002 revealed that from 1986 to 2000 the state increased spending for higher education by 47 percent. In that same period spending for prisons escalated by

346 percent.[7] In FY2003, the Texas Department of Criminal Justice reduced spending in response to Governor Perry's request for agencies to evaluate spending. If the prison population stabilized, future spending for criminal justice programs could be reduced.

Spending to Perform Services

Governments invariably spend money so that public services will be performed. Some funds, for example, must be spent to defray day-to-day costs of government operations and to assist political subdivisions with their financial needs.

Aid to Political Subdivisions State and federal aid for Texas's local governments is concentrated in five major program areas:

- Public safety and law enforcement
- General costs of government
- Natural resources and environmental protection
- Highways and transportation assistance
- Social services

More than 15 percent of the funds allocated for these purposes come from federal grants. As previously noted, state and federal governments also extend financial aid to school districts. Other political subdivisions, such as hospital and water districts, receive aid from the federal government but not from the state.

Administrative Costs The cost of general government at the state level was approximately 2 percent of total state expenditures during the 2004–2005 biennium. Spending for this item fell into four categories:

- Executive departments (for example, the Governor's Office)
- Business regulatory commissions (for example, the Railroad Commission)
- The legislative department (the Senate and House of Representatives)
- The judicial department (district and appellate courts)

Looking Ahead

A continuing economic downturn dogged Texans at the beginning of the twenty-first century. Legislators struggled to maintain public service programs at the same level while at the same time trying to respond to demands brought about by a rapidly growing population, slowing economy, and increased costs for traditional government services, such as health care and education. Factors over which Texas had little control also added to the state's fiscal woes. Changes in federal grant policies continued to reduce available revenues in many areas, notably higher education and human services. Voter resistance to government regulation and higher taxes strengthened, whereas demands for funds by local governments increased. Some court decisions put added pressure on the legisla-

ture to provide costly services. Although state administrators adopted strategies leading to better money management, serious problems remain.

Fiscal policies for the immediate future are likely to reflect at least four responses to changing economic and political conditions in Texas:

- Gradual but steady increases in tax rates
- Growing state responsibility for programs funded jointly with the federal government, coupled with increasing health care costs
- Deferral of capital construction, maintenance, and renovation whenever possible
- Steadily increasing local taxes in response to a shift in responsibility for indigent health care to local governments

These prospects have compelled Texas legislators to search for new sources of revenue. Although "patchwork" measures enabled lawmakers to meet budget crises without new taxes in the past, they may not be sufficient in the future. Yet government officials differ over the source of state revenue problems and appropriate solutions. According to *Trends in Texas Government Finance: 1984–2009*, published by the Legislative Budget Board in 2001, growth in state revenue since 1992 has been the result of economic growth. The board predicted higher taxes in the future if the state were to provide the same level of services that it had in the past. A different view is reflected in *Limited Government, Unlimited Opportunity* (2003), a study issued by Republican comptroller Carole Keeton Strayhorn. It concluded that Texas faced a "spending crisis, not a budget crisis" and that the basic challenge facing the Lone Star State's policymakers is to make government "smaller, smarter, and faster."

Texas ended the twentieth century with a budget surplus and a growing economy. With these additional funds, politicians lowered tax rates while they increased spending for education and human services programs. By 2001, there was concern that the tax reductions were a mistake, as costs for Medicaid, public education, highways, and prisons exceeded appropriations. Conditions worsened over the next two years. Many uncertainties face Texans and their elected and appointed officials in the immediate future. Important questions remain: Will current levels of financial support survive an economic downturn? How will our elected officials respond to financial crises? The answers to these questions will tell much about how Texas politics will be practiced in the twenty-first century.

Chapter Summary

- During the final decades of the twentieth century, Texas's economy became more diverse. Sales tax revenue replaced oil and natural gas taxes as the primary source of state income. Devolution forced the state to increase its financial support for many human services.

- Spending needs for education, highways, prisons, and welfare programs place increasing demands on Texas's budget.
- Texas operates with a "pay-as-you-go" balanced budget. It has one of the most regressive state tax systems in the United States because the Lone Star State relies so heavily on the sales tax and does not have a state income tax. Failure to tax Internet purchases and most services costs the state significant revenue. Texas spends less per capita than 49 other state governments.
- Each biennium, the Legislative Budget Board and the Governor's Office of Budget, Planning, and Policy are required to prepare proposed budgets. Tax collection, investment of the state's surplus funds, and overseeing management of the state's money are all responsibilities of the comptroller of public accounts. The state auditor is responsible for examining all state accounts to ensure honesty and efficiency in agency spending of the state's money.
- Texas state government primarily relies on sales taxes, business taxes, and death taxes for revenue. Nontax revenue sources include gambling; federal grants-in-aid; sale proceeds from public land, as well as lease and royalty payments from mineral production; annual payments from the state's tobacco settlement; fees, permits, and investment income; and bond sales.
- State revenue is used to provide services to the state's residents. Most state money is used for public education (including higher education), human services, and highway construction and maintenance. As the state's prison population expanded, an increasing amount of the state's budget has been dedicated to public safety.
- Although the state ended the twentieth century with a budget surplus and a growing economy, those conditions no longer existed in the beginning years of the twenty-first century. Increasing pressure for expanded public services coupled with an economic downturn now challenge elected officials.

Key Terms

fiscal policy
service sector jobs
Robin Hood plan
underemployment
Children's Health Insurance Program (CHIP)
balanced budget
casual deficit
General Revenue Fund
regressive taxes
progressive taxes
fiscal management process
budget
Legislative Budget Board (LBB)
current-services based budget
fiscal notes
dual budgeting system
budget execution
special fund
cash accounting
state auditor
tax
selective sales tax
general sales tax
sin tax
general business tax
selective business tax
corporate franchise tax
payroll tax
severance tax
crude oil production tax

gas gathering tax
gross receipts tax
gross premium tax
insurance administration tax
death tax
grant-in-aid
securitization
bonded debt
"rainy day" fund
Texas Mobility Fund
functional expenditure
objective expenditure
Texas Tomorrow Funds
TEXAS Grants Program
income maintenance program
welfare

Discussion Questions

1. How do economic conditions affect fiscal decisions in the state of Texas?
2. What significant policy issues does the state face in the immediate future?
3. What are some benefits of the "Robin Hood" plan for public schools? What are some disadvantages?
4. What are the advantages to a pay-as-you-go balanced budget requirement? What are the disadvantages?
5. What is the procedure for developing and approving the state budget?
6. Which is superior as a major source of state revenue—the sales tax or the income tax? Why?
7. Who should pay more for higher education—the state's taxpayers or students?
8. What are ways the state can meet a budget shortfall?

Internet Resources

Center for Public Policy Priorities: **www.cppp.org**
Legislative Budget Board: **www.lbb.state.tx.us**
Office of Budget and Planning (Office of the Governor): **www.governor.state.tx.us/divisions/bpp**
Office of the Texas Comptroller of Public Accounts: **www.window.state.tx.us**
State Auditor's Office: **www.sao.state.tx.us**
Texas Health and Human Services Commission: **www.hhsc.state.tx.us**
Texas Higher Education Coordinating Board: **www.thecb.state.tx.us**

Notes

1. Billy Hamilton, "An Epic 100 Years Changes Texas," *Fiscal Notes* (December 1999): 1–5.
2. Polly Ross Hughes, "Review Panel Still Can't Agree on Alternative to 'Robin Hood,'" *Houston Chronicle*, 18 November 2002.
3. *Adult and Juvenile Correctional Population Projections, FY 2002–FY 2007* (Austin: Criminal Justice Policy Council, June 2002), 4.
4. Dave McNeely, "What's to Scrub in This Tight Budget?" *Austin American-Statesman*, 19 September 2002.
5. For excellent discussions of the Texas budgeting process, see Senate Research Center, *A Guide to the Budget Process in Texas: Budget 101* (Austin: Texas

Senate, January 2003); House Research Organization, *Writing the State Budget*, State Finance Report No. 78-1 (Austin: Texas House of Representatives, February 2003); and *The Texas Budget and Tax Primer: Where the State's Money Comes From and How It Is Spent* (Austin: Center for Public Policy Priorities, August 2002).

6. For an interesting discussion of casino gambling and Texas's Native American tribes, see Kellie Dworaczyk, *Native American Gambling Operations: Are They Legal?* Focus Report 77-16 (Austin: House Research Organization, Texas House of Representatives, 12 February 2002).
7. *Cellblocks or Classrooms? The Funding of Higher Education and Corrections and Its Impact on African American Men* (Washington, D.C.: Justice Policy Institute, 28 August 2002); **www.justicepolicy.org/coc1/state_findings.htm.**

Selected Readings

10.1 Governor Perry's Fiscal Year 2004–2005 Budget: Two Opposing Views

After months of assuring state legislators that his office would furnish a budget to the 78th Legislature that would "send some clear messages on [his] priorities," Governor Rick Perry submitted a budget that recommended $0 for every category of spending (see Table 1). The following reading consists of two editorials. In the first, Governor Perry defends his action. In the second, state representative Paul Moreno (D–El Paso) expresses the response of many Democratic legislators.

10.1A Bottom Line on Why My Budget for Texas Starts at Zero*

Governor Rick Perry

Families across Texas and the nation have been making tough decisions during these lean economic times. They have learned to distinguish wants from needs, postponing spending on items they consider optional to make sure basic needs are met. Texas families have prioritized their spending. It is time for state government to do the same.

Last week, I presented lawmakers with a framework that will direct a complete reexamination of state spending and result in a transparent budget that allows Texans to know how every tax dollar is spent. My plan starts at zero and asks state agencies to justify every expenditure.

Lt. Gov. David Dewhurst and House Speaker Tom Craddick also have committed to starting the state budget at zero. This approach will allow legislators to set priorities that are important to all Texans.

Is it important to support improvements in our public schools, to continue the Children's Health Insurance Program, to provide services to our neediest citizens? Absolutely. However, the state's current method of budgeting does not allow legislators—or taxpayers—to distinguish between funding devoted to direct services and tax dollars used for travel, consultant contracts and other administrative expenses.

In fiscal year 2002, the state paid more than $100 million to repair and remodel buildings, $6.5 million for magazines and other subscriptions, $6.9 million in membership dues and $507,000 to maintain foreign offices. It is exactly these kinds of expenditures that lawmakers need to weigh in deciding spending priorities, and it is time to let the public know exactly how tax dollars are spent.

News reports are full of stories speculating on the impact of potential budget cuts. But I've yet to see an in-depth examination of any state agency's budget or an editorial on

*From *Houston Chronicle*, 26 January 2003, 4C. Rick Perry is the governor of Texas.

Table 1 Governor's Proposed State Budget, Fiscal Years 2004–2005

Article	Name	2002–2003 Expended & Budgeted (dollars)	2004–2005 Governor's Recommended (dollars)
I	General Government	3,136,958,355	0
II	Health and Human Services	38,776,346,212	0
III	Education	49,683,657,158	0
	Public Education	32,957,633,035	0
	Higher Education	16,726,024,123	0
IV	The Judiciary	428,754,874	0
V	Public Safety and Criminal Justice	8,087,496,912	0
VI	Natural Resources	2,179,150,005	0
VII	Business and Economic Development	13,952,180,383	0
VIII	Regulatory	732,011,826	0
X	The Legislature	306,353,745	0
	Total	117,282,909,470	0

Source: Office of the Governor.

the impact of a tax increase on the many hard-working Texans already struggling to make ends meet. I believe that the vast majority of Texans expect—indeed demand—that government live within its means, without increasing the tax burden on its citizens.

We must reject the notion that government should continue to do things just because that's the way it always has been done. My budget starts at zero because in tough budgetary times, it is more important than ever that every dollar spent by government be scrutinized to determine whether it justifies consideration as a priority.

Comptroller Carole Keeton Strayhorn estimates that Texas will have more than $114 billion in the upcoming biennium to fund the priorities of this state. That translates to $156 million a day or more than $100,000 in state spending every minute of the biennium. Put another way, the $114 billion Texas has available to spend amounts to $10,000 a year for a family of four. There are some who say this isn't enough. But I believe it is time to say, "Enough to big government spending."

Some have interpreted the comptroller's revenue estimate as a very challenging scenario, but I believe the financial outlook presents us with the opportunity to re-examine the core responsibilities of government and how tax dollars are spent. We must not shy from this challenge. This is the time for bold leadership, innovative solutions and fiscal restraint. We must provide vital state services without increasing the burden on hard-working Texas taxpayers.

Balancing the state's budget starts with asking state agencies to scrutinize their budgets line by line. Just as Texas families are re-examining their expenditures and delaying major purchases, so must state government justify travel expenses, equipment purchases, printing budgets and other administrative costs before seeking more funding from Texas taxpayers.

As part of my budget proposal, I presented lawmakers a "Framework for Open Government" with options on how to develop a transparent, detailed state budget and carefully evaluate spending options and priorities.

I believe a government that tries to do too much for too many ends up accomplishing too little. We must reduce the size and scope of government. We must separate wants from needs. We must commit to living within our means and recognizing the sacrifices of taxpayers.

In uncertain economic times, the focus must be on government spending less, not on taxpayers paying more. We must, and will, set priorities and ensure that every dollar is spent efficiently and appropriately. My budget provides the starting point from which we can ensure economic security, fiscal responsibility and educational opportunity for all Texans.

10.1B Perry Gets Big Zero for Zero-Based Budget Ploy*

State Representative Paul Moreno

Against the backdrop of the largest fiscal challenge in Texas' history, an estimated $9.9 billion deficit, Gov. Rick Perry submitted his budget to the Legislature on Jan. 17. Legislators awaited the governor's budget proposals with great expectations. A few weeks ago, the governor promised, "I will lay out a budget—it's required by law by the 19th of January—and at that particular point in time we'll set some clear messages on priorities."

Given Texas' dire economic conditions, my colleagues and I looked to Perry for leadership. I knew the governor's priorities would not coincide with my own, but I hoped his budget would send the "clear messages" he promised. Then, we in the Legislature could get to work prioritizing, debating, and solving the state's budget crisis.

Instead, the governor submitted a zero-based budget that recommends the following: public education $0, higher education $0, teachers' health insurance $0, health care $0, Medicaid $0, criminal justice $0, law enforcement $0, nursing homes $0, transportation $0. You get the point.

Lest you think I did not get the joke, I did understand the governor's intent. Realistically, the governor and I both know that the amount of money spent by the state on each of its agencies and programs will be determined by the Legislature through the appropriations process. What I do not understand is why the governor did not use his budget proposal to communicate which programs were most important for the state to fund.

During the campaign, the governor said education was his first priority. He said he would increase funding for public schools. He promised to increase health care and retirement benefits for teachers. I applaud these promises. However, a budget that recommends $0 for education, $0 for public schools and $0 for teachers' benefits does not fulfill these promises.

*From *Houston Chronicle,* 28 January 2003, 17A. Paul Moreno, a Democrat from El Paso, is the dean of the Texas House of Representatives. He has served House District 77 for 34 years and is the senior member of the Mexican American Legislative Caucus.

In fact, the governor's budget proposal says that the Aircraft Pooling Board, which provides airplanes for state officials to fly across the state, is just as important as education and health care. For the governor to suggest that the children of the state of Texas are worth nothing is not only wrong—it's insulting.

Article 4, Section 9 of the Texas Constitution states "at the commencement of each regular session, he shall present estimates of the amount of money required to be raised by taxation for all purposes." The governor took an oath to preserve, protect and defend the Constitution. Does the governor really believe this state can fulfill its obligations over the next biennium at a cost of $0?

Albeit newsworthy and supported by Republican pundits as a ground-breaking idea, the zero-based budget proposal is nothing more than a political stunt in which the governor ignores his constitutional responsibilities. In addition to breaking his word and ignoring his constitutional mandate, the governor's proposal is completely unrealistic.

The governor has said "everything is on the table" in terms of spending cuts. I disagree and hope the governor reconsiders his position. Some things must be off the table and remain off the table no matter how tight the budget becomes. That is the definition of "setting priorities." Tough decisions have to be made.

Cutting spending for public education, higher education, teachers' salaries and insurance, health care for our children, the indigent and the needy, and nursing homes for the elderly, is not good for Texas! It is my sincerest hope that the leaders of this state do not elect to abandon those citizens who need and deserve our most crucial state services. All government is not the enemy, even though the Republicans have clearly declared war; some programs are vital and necessary in order to ensure the continued vitality and success of our citizens and our state.

Texas needs leadership to separate the vital and necessary government programs from the expendable ones. Texans expect their leaders to do just that, *lead*. To be sure, the zero-based budget is an effective way for the Republican leadership to grandstand, and I commend them on their political ploy. It was a brilliant stroke of artifice and an appealing sleight of hand. Unfortunately, it was all symbol and zero substance: a zero-based budget based on zero solutions.

10.2 Pediatrician Views Health Care Through Eyes of the Future: A Prescription for Compassion*

Jeannie Kever

Rising costs for indigent health care were one of the driving forces behind the budget shortfall in 2003. Dr. Ana Malinow deals with these issues daily at Ben Taub, a public hospital in Houston. Following is an account of how one doctor is responding.

The teenager had a urinary-tract infection and a family history of kidney stones. She seemed to be recovering nicely, however, so the medical resident in charge of her case

*From the *Houston Chronicle*, 5 January 2003, Lifestyle Section, 1. Jeannie Kever is a staff writer for the *Houston Chronicle*.

wasn't sure whether to order more tests. Ana Malinow slipped for a moment into fantasy. "In an ideal world, she needs to have a private-care provider that will follow her and do more tests to rule out kidney stones," Malinow told the resident, Karen Texter. But Ben Taub General Hospital is not an ideal world.

Malinow is a pediatrician at Ben Taub, one of Houston's two public hospitals, where she cares for some of the city's poorest children and supervises residents as they complete their medical training. As many as 70 percent of their patients don't have private health insurance, Malinow said. "They come in here because they don't have a regular doctor," she said. "We are their regular doctor."

So Malinow treats runny noses and asthma, chest colds and seizures, trying to balance the needs of her young patients with the economic realities of their parents. It is a daily obstacle course of compassion and compromise, where the flip side of healing is finding someone to pay for it. "We know we're giving patients prescriptions they will never fill, because they can't afford them," she said. But Ben Taub is where she needs to be, despite the frustrations. "If it were all good, I probably wouldn't be so passionate about it," Malinow said. "And if it were all bad, I'd burn out."

Fundamental Issues

The fundamental issues of money and access to health care come into play as Malinow guides Texter to the right decision for this patient: Does the girl have health insurance? Medicaid? Could she qualify for the state's Children's Health Insurance Program? The girl had applied for a gold card, which would allow her to use the clinics run by the Harris County Hospital District, Texter reported, but the decision was pending.

"It shouldn't matter for us whether she has CHIP, Medicaid or not," Malinow said. On the other hand, the tests would be an expense the girl's family couldn't afford, and it seemed unlikely that she actually had kidney stones. They agreed to wait. By the end of the day, Malinow had handled cases involving children with hypoglycemia, seizures, infected toes and colds. Others needed flu shots and routine vaccinations.

She was the one in the slim black jeans and gray turtleneck sweater, a light rose tint in her horn-rimmed glasses. A stethoscope slung around her neck identified her as a health-care practitioner when she strode up and down the busy hallways, but there was no white coat to proclaim "doctor." A native of Argentina who is fluent in Spanish, she sometimes appears on Spanish-language TV newscasts, "and they make me wear a white coat," she said. Otherwise, no way. Kids are scared of white coats, so she doesn't wear one.

As an assistant professor at Baylor College of Medicine, Malinow is squarely in the medical mainstream. But in her passions, she's clearly not your typical doc. Malinow, 47, is co-founder of the Texas chapter of Health Care for All, which promotes a universal health-care system. She's an activist with the Green Party and a volunteer at Casa Juan Diego, which provides a variety of services to immigrants.

"When I first met her, she was very quiet, very unassuming," said David Cobb, a founder of the Green Party of Texas and its 2002 candidate for attorney general. "When I discovered she was a pediatrician, I was really pleasantly shocked. As a lawyer, I meet doctors all the time, and doctors are not always the most unassuming folks."

But unassuming, at least in Malinow's case, doesn't mean accepting the status quo. Working at Ben Taub is a crash course in the failings of the U.S. health-care system. Nationally, 41 million people don't have health insurance. In Harris County, the number is about 750,000. Talking in her cubbyhole of an office, Malinow jumped up to diagram this reality. About half of Texans have private insurance, and one-fourth have some form of public insurance, including Medicaid. The rest—almost 5 million people—are uninsured.

Ground Zero

Houston is ground zero: One of every 32 uninsured Americans lives in Harris County or an adjacent county, according to Gateway to Care, a local coalition working to improve access. Most of those people are in families with at least one full-time wage earner, but their jobs don't provide health insurance or the employees can't afford the premiums. So they do without health care, or they throw themselves upon a skimpy safety net: Ben Taub and Lyndon B. Johnson General Hospital, with their overcrowded emergency rooms and clinics, as well as neighborhood clinics run by the hospital district and other community and government organizations.

But not everyone qualifies for those services. Some require proof of citizenship; others scare people away with a cumbersome application process. Many people consider Ben Taub their only option. Even then, worried about waiting for hours and being presented with a hefty bill, they delay treatment. They may ignore a routine illness until it becomes severe, making the cost of care even higher. And if they don't have health insurance or money to pay the bill, the cost is borne by taxpayers and other patients who are insured.

"Things are only getting worse," Malinow said. "Our safety net is so overburdened, it can't take care of the uninsured." As a member of Physicians for a National Health Program—"There are like eight of us in Texas"—Malinow supports a universal health-care system in which everyone would be covered and have access to affordable health care. Police and fire protection aren't based upon residents' ability to pay, she reasons, and health care shouldn't be, either. "How can we live in a society like this? I just think there are some things that, because we call ourselves a civilized society, we have to do," she said.

Health Care as a Commodity

Health care accounts for 14 percent of our gross domestic product—a higher percentage than in industrialized countries where everyone is covered—and private health-insurance premiums have risen faster than inflation and wages. "There is such a disconnect there," Malinow said. "It's a system that doesn't make sense, because [it's based on the belief that] health care is a commodity, that we should be able to make money off of sick people."

The medical students and residents at Ben Taub provide a captive audience for Malinow's enthusiasms, but not always a receptive one. "You make converts every once in a while, but it's hard," she said. "They're sleep-deprived, psychologically pounded." Lauren Oshman was an exception. Oshman was a third-year medical student at Baylor last year when she discovered Malinow's name among the members of Physicians for a National

Health Program. Oshman was active in the American Medical Student Association—she is now vice president—and wanted to establish a state chapter of Health Care for All. She knocked on Malinow's office door last February. "I just thought that of course she would help me, and it would be wonderful," Oshman said.

It was. Malinow agreed to help, and they organized a rally that drew 500 people, including Houston Mayor Lee Brown and [Houston] City Councilwoman Ada Edwards, when the medical students' group held its annual conference here in March. The organization is still small, with about 25 organizational and 125 individual members, but Malinow has begun to dream big, envisioning a time when it becomes a political force. "We're eons away from that, but that doesn't mean we shouldn't get started," she said.

Oshman is completing her medical-school electives in New Haven, Conn., and will graduate from Baylor in May. She learned a lot from Malinow before leaving Houston. "I've learned about how being a person who's passionate about an issue and going out and talking about it can make a difference," Oshman said. "She talks every day about access, about universal health care. She takes every opportunity that's open to her to make sure people know it's important.

Third World Medicine in Houston

Malinow . . . worked as a pediatrician for five years in an inner-city clinic. "It was a very, very underserved area," she said. "It was a wonderful experience that made me the pediatrician I am today. . . . I realized I didn't need to go overseas to practice Third World medicine." Malinow hoped to practice at a community health center here but discovered that Houston doesn't have many community clinics, and those it does have employ few pediatricians.

She was hired by Baylor, and after a few months at Texas Children's Hospital, she found her niche at Ben Taub. As one of two Level 1 trauma centers in Houston, Ben Taub draws the city's most critically ill and injured patients, as well as its poorest, to the northeastern edge of the Texas Medical Center. The children in its emergency room and clinics often have complex social and financial as well as medical problems, and doctors have to take all of that into consideration.

Ben Taub was a perfect fit for Malinow, but she wanted to do more. Two years ago she found Casa Juan Diego, a local organization that serves immigrants from Mexico and Central America. Casa Juan Diego runs a day-labor program and offers housing for new immigrants, the sick and injured, pregnant women and victims of domestic violence, along with their children. It also provides medical and social services, including food and clothing, at several locations. Malinow noticed a plea for medical volunteers, especially nurses, in its newspaper, the *Catholic Worker*. "I called and said: 'I'm not a nurse, but I'm a pediatrician. Would you have any need for me?' "

Few of the families served by Casa Juan Diego have any source of health care other than the organization's two clinics, said Louise Zwick, who founded Casa Juan Diego with her husband, Mark. In Malinow, they get a doctor with "a good sense of humor," Zwick said. "She's very resourceful in finding health-care resources for the families that come here . . . and very anxious to serve this group that has oftentimes fallen through the cracks."

Many of the children have asthma or other respiratory illnesses, Malinow said. And often they have behavioral problems, a result of domestic violence or the trauma of coming to the United States, she said. "They were brought with their parents across a border, and crossing is an incredibly traumatic event for the parents and the children," she said. "There's so much instability in the lives of these children. Of course they're going to act out, to have school problems."

Her presence each week provides a sliver of stability, but Malinow says the reward is hers. "I feel really honored to be able to work there," she said. "I get so much more out of it than I put into it."

"I very much think my father [Rene Malinow] had an incredible influence on the type of doctor I am," she said. "He was always right," she said of the times she called for [clinical] advice. But some of his most valuable advice didn't stop at clinical matters.

One day she poured out her frustration at trying to get a child qualified for Medicaid, which would pay for the child's medication. She had insisted to a Medicaid worker that the girl would die without the medication and was stunned by the worker's reply that the child would eventually die anyway. Her father's advice: "Just buy the medicine and give it to her." She did.

The Malinow family had moved from Argentina to Portland, Ore., in 1963 for her father to pursue medical research. Ana spoke no English, an experience she said helps her relate to many of her patients. "On the plane, my father taught me to say: `My name is Ana Maria. I cannot speak English.' "

She was plopped into a fourth-grade classroom, back in the days when schools had no provision for teaching students from foreign lands. "I'm sure we were the only Hispanic family in the state." She learned English within six months but continued to speak Spanish at home. She still does. "And here," she said, gesturing around the exam rooms at Ben Taub, "I speak Spanish more than English."

Dr. Malinow's Mission

Resident Frank X. Placencia approached Malinow in a hallway and began talking. His patient was a 7-month-old girl with a history of seizures. She was on medication, but she had missed a dose the previous night and had had a seizure that morning. She was there for a flu shot, and other than slight congestion she was doing well. "What kind of seizures does she have?" Malinow asked him. "Do we know the etiology?"

They moved to a small office to discuss the case before heading into the exam room where Fernanda Garza was sleeping in the arms of her mother. Malinow greeted Yolanda Garza in soft Spanish and immediately perched on a stool so she would be at eye level with the young mother. "The first thing I always tell the residents is that they have to sit down," she said. "That really gives the patients a message."

So she was sitting down, sending the message that she had time for this mother and baby. "For me, this is a mission," she said. "I couldn't be anywhere else."

Selected Sources for Research

Colleges and universities offer students and faculty members a growing number of electronic sources that complement traditional library collections of research materials in print. For use in conducting research on Texas politics and related fields, both electronic sources and printed sources are included here.

Electronic Sources

Academic Search Premier (EBSCO). Includes articles from more than 3,460 scholarly, trade, and general-interest publications, as well as indexing for *The New York Times*. Current year to date and the previous 3 years. Backfile extends coverage as far back as 1980. Updated daily.

America: History and Life. Abstracts of articles from more than 2,000 journals, including social science journals. More than 90 percent are published in English-language journals, and all abstracts are written in English. This database comprises more than 450,000 bibliographical entries, and approximately 16,000 are added each year.

ArticleFirst (OCLC). Index of articles based on contents pages printed in journals. Each record describes an article, news story, letter, or other journal item. A list of libraries having the journal is provided for most items.

Electric Library. A general interest database that includes articles from newspapers, magazines, broadcast transcripts, and reference materials. Includes backfile of the *Dallas Morning News*. Updated daily, with an archive of up to 12 years.

FedWorld.gov. An information site run by the U.S. Department of Commerce that contains 11 full text databases and 12 meta databases dealing with a wide variety of governmental issues including U.S. Customs, Supreme Court decisions, Wage and Hour laws, the Federal Job Announcement database, U.S. Customs Traveler Information, IRS information, The U.S. Business Advisor, and so on.

FirstGov.gov. A public-private partnership site administered by the U.S. Government's General Services Administration. It is the only official U.S. government portal to over 30 million pages of government information. It searches every word of every U.S. government document in a quarter of a second or less. It features a topical index, online transactions, links to state and local governments, options on how to contact the government, and other tools that allow one to search for information without knowing the name of the government agency involved, and so on.

Handbook of Texas Online. Includes complete text of the more than 23,000 articles in the six-volume print edition (1996). Included also are about 400 additional

articles that were not published because of space limitations, new articles, updates, corrections, and illustrations. This multidisciplinary encyclopedia of Texas history provides concise articles on all aspects of Texas political history, along with biographical sketches of governors and other political leaders.

Infotrac Newspapers. Full-text articles published in hundreds of magazines and journals for the social sciences, humanities, and natural sciences.

InfoTrac OneFile. Gives access to news and periodical information on a variety of topics, including current events, economics, education, environmental issues, law, politics, and social sciences.

JSTOR. Digitized, complete archives of core scholarly journals in many cases starting with the very first issues, many of which were published as far back as the nineteenth century.

Lexis/Nexis Academic Universe. Full-text articles from a wide range of news, business, legal, and medical publications, as well as case law and other legal resources.

Newspaper Source. Provides full text for 139 regional U.S. newspapers, eighteen international newspapers, six newswires, and nine newspaper columns.

Original Sources. Find any word, phrase, or concept contained in the largest single collection of source documents, reference works, and other materials for studying and teaching history, government, political science, philosophy, and religion.

OCLC First Search. Over 10 million online full text articles, full-image articles from over 4,000 electronic journals, library holdings, and interlibrary loan. It supports research in a wide range of subject areas with well-known bibliographic and full-text databases in addition to ready-reference tools such as directories, almanacs, and encyclopedias.

Texas NewsFile. Full-text articles from wire services and major Texas newspapers.

WilsonSelectPlus. Designed to meet the special needs of researchers seeking bibliographical information concerning subjects related to business administration, this database includes indexed and abstracted records with accompanying full-text articles on public administration.

Printed Sources

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Chapter Bibliographies: Books and Articles

Relevant books and articles for research and reading on Texas politics have been compiled (and are periodically updated) for each chapter in *Practicing Texas Politics.* These bibliographical items are accessed on the *Practicing Texas Politics* Twelfth Edition web site at **politicalscience.college.hmco.com.**

Glossary

acquired immunodeficiency syndrome (AIDS) A disease caused by the human immunodeficiency virus (HIV) that is transmitted largely by sexual contact and contaminated needles.

African American A racial classification indicating African ancestry.

alien A person who is neither a national nor a citizen of the country where he or she is living.

alternative dispute resolution Use of mediation, conciliation, or arbitration to resolve disputes among individuals without resorting to a regular court trial.

Anglo A term commonly used in Texas to identify non-Latino white people.

appellate jurisdiction The power of a court to review cases after they have been tried elsewhere.

appointive power The authority to name a person to a government office. Most gubernatorial appointments require Senate approval by two-thirds of the members present.

appointment-retention system A merit plan for judicial selection, whereby a court vacancy is filled by gubernatorial appointment for a trial period before retention for a term is determined by a "yes" or "no" popular vote in an uncontested election.

Asian American A term used to identify people of Asian ancestry (e.g., Chinese, Japanese, Korean).

at-large majority district A district that elects two or more representatives.

at-large system A system in which members of a policymaking body, such as some city councils, are elected on a citywide basis rather than from single-member districts.

attorney general The constitutional official who is elected to head the Office of the Attorney General, which represents the state government in lawsuits and provides legal advice to state officials.

Avery *v.* Midland County Resulted in the U.S. Supreme Court ruling that commissioners court precincts in Texas must be of substantially equal population.

balanced budget A budget condition whereby total revenues and expenditures are equal, so that there is no deficit.

Basin and Range A arid region in West Texas that includes the Davis Mountains, Big Bend National Park, and El Paso.

bicameral Term describing a legislature with two houses or chambers (e.g., Texas's House of Representatives and Senate).

bill A proposed law or statute.

Bill of Rights Composed of 30 sections in Article I of the Texas Constitution, it guarantees protections for people and their property against arbitrary actions by state and local governments. Included among these rights are freedom of speech, press, religion, assembly, and petition. The Texas Bill of Rights is similar to the one found in the U.S. Constitution.

block grant A congressional grant of money that allows the state considerable flexibility in spending for a program, such as providing welfare services.

bond A certificate of indebtedness issued by a borrower to a lender that constitutes a legal obligation to repay the principal of the loan plus accrued interest. In Texas, both state and local governments issue bonds under restrictions imposed by state law.

bonded debt Borrowings obtained through sale of revenue bonds and general obligation bonds.

Buckley *v.* Valeo The U.S. Supreme Court upheld the right of candidates to spend their own money in election campaigns.

budget A plan indicating how much revenue a government expects to collect during a

period (usually one or two fiscal years) and how much spending is authorized for agencies and programs.

budgetary power The governor is supposed to submit a state budget to the legislature at the beginning of each regular session. When an appropriation bill is enacted by the legislature and certified by the comptroller of public accounts, the governor may veto the whole document or individual items.

budget execution The process whereby the governor and the Legislative Budget Board oversee (and in some instances modify) implementation of the spending plan authorized by the Texas Legislature.

business organization An economic interest group, such a trade association (e.g., Texas Association of Builders) that lobbies for policies favoring Texas business.

Campaign Reform Act Enacted by the U.S. Congress and signed by President Bush in 2002, this law restricts donations of "soft money" and "hard money" for election campaigns, but it has been challenged in federal courts.

canvass To scrutinize the results of an election and then confirm and certify the vote tally for each candidate.

capital felony A crime punishable by death or life imprisonment.

cash accounting A method of accounting whereby expenditures are entered when money is actually paid.

casual deficit An unplanned shortage that occurs periodically when expenditures exceed revenues.

caucus A once-used nominating process involving selection of candidates by an informal committee of party leaders; also, a group of legislators organized according to party, racial/ethnic, or ideological identity.

charitable choice A movement that encourages collaboration between governmental agencies and religious groups to solve social problems.

Children's Health Insurance Program A program that provides medical insurance for children of low-income families.

chubbing A practice whereby supporters of a bill engage in lengthy debate for the purpose of using time and thus prevent floor action on another bill that they oppose.

civil law The body of law concerning noncriminal matters, such as business contracts and personal injury.

closed primary A primary in which voters must declare their support for the party before they are permitted to participate in the selection of its candidates.

colonia A low-income settlement, typically located in South Texas and especially in counties bordering Mexico, that lacks running water, sewer lines, and other essentials.

combined statistical area A geographic entity consisting of two or more adjacent Core Based Statistical Areas.

commission form A type of municipal government in which each elected commissioner is a member of the city's policymaking body, but also heads an administrative department (e.g., public safety with police and fire divisions).

commissioner of agriculture The elected official who heads Texas's Department of Agriculture, which promotes the sale of agricultural commodities and regulates pesticides, aquaculture, egg quality, weights and measures, and grain warehouses.

commissioner of insurance Appointed by the governor, the commissioner heads the Texas Department of Insurance, which is responsible for ensuring the industry's financial soundness and protecting policy holders.

commissioner of the General Land Office As head of Texas's General Land Office, this elected constitutional officer oversees the state's extensive land holdings and related mineral interests, especially oil and gas leasing for the benefit of the Permanent School Fund.

commissioners court A Texas county's policymaking body, with five members: the county judge, who presides, and four commissioners representing single-member precincts.

commutation of sentence On the recommendation of the Board of Pardons and Paroles, the governor may commute (reduce) a sentence.

companion bill Filed in one house but identical or similar to a bill filed in the other chamber, a companion bill speeds passage because committee consideration may take place simultaneously in both houses.

comptroller of public accounts This elected constitutional officer is responsible for col-

lecting taxes, keeping accounts, estimating revenue, and serving as treasurer for the state.

concurrent jurisdiction The authority of more than one court to try a case (e.g., a civil dispute involving more than $500 but less than $5,000 may be heard in either a justice of the peace court or a county court).

concurrent resolution A resolution adopted by House and Senate majorities and then approved by the governor (e.g., request for action by Congress or authorization for someone to sue the state).

conditional pardon On recommendation of the Board of Pardons and Paroles, the governor may grant a conditional pardon. This act of clemency releases a convicted person from the consequences of his or her crime but does not restore all rights, as in the case of a full pardon.

conference committee A committee composed of representatives and senators who are appointed for the purpose of reaching agreement on a disputed bill and then recommending changes that will be acceptable to both chambers.

conservative Someone who advocates minimal intervention by government in social and economic matters and who gives a high priority to reducing taxes and curbing public spending.

Constitutional Revision Commission Composed of 37 members appointed by a six member ex officio committee, the commission prepared a draft constitution that was submitted to the Texas Legislature in November 1973. When the legislature convened as a constitutional convention in 1974, this document served as the basis for further drafting and debate in an unsuccessful effort to produce a new state constitution.

Constitution of 1876 Texas's lengthy, much-amended constitution that is a product of the post-Reconstruction era.

Constitutional Convention of 1974 Composed of House and Senate members, the convention fell three votes short of the two-thirds majority needed to propose a new Texas constitution.

constitutional guarantee Included among the U.S. Constitution's guarantees to members of the Union are protection against invasion and domestic violence, territorial integrity, a republican form of government, representation by two senators and at least one representative in the U.S. Congress, and equitable participation in the constitutional amendment process.

constitutional history of Texas Since promulgation of the Constitution of Coahuila y Tejas within the Mexican federal system in 1827 and the Constitution of the Texas Republic in 1836, Texas has been governed under its state constitutions of 1845, 1861, 1866, 1869, and 1875.

corporate franchise tax This tax is levied on a Texas corporation's capital, surplus, and undivided profits or on annual income generated from business within the state if that amount is greater.

council of governments A regional planning body composed of governmental units (e.g., cities, counties, special districts); functions include review and comment on proposals by local governments for obtaining state and federal grants.

council-manager form A system of municipal government in which an elected city council hires a manager to coordinate budgetary matters and supervise administrative departments.

county Texas is divided into 254 counties that serve as an administrative arm of the state and provide important services at the local level, especially within rural areas.

county attorney An individual elected to represent the county in civil and criminal cases, unless a resident district attorney performs these functions.

county auditor A person appointed by the district judge or judges to check the financial books and records of other officials who handle county money.

county chair Elected on a countywide basis by party members in the primaries, this key party official heads the county executive committee.

county clerk An individual elected to perform clerical chores for the county court and commissioners court, keep public records, maintain vital statistics, and administer public elections, if the county does not have an administrator of elections.

county convention A party meeting of precinct delegates held on the second Saturday after

precinct conventions; it elects delegates and alternates to the state convention.

county executive committee Composed of a party's precinct chairs and the elected county chair, the county executive committee conducts primaries and makes arrangements for holding county conventions.

county judge An individual popularly elected to preside over the county commissioners court and, in many counties, to hear civil and criminal cases.

county sheriff An individual popularly elected at the county's chief law enforcement officer; the sheriff is also responsible for maintaining the county jail.

county surveyor A person who makes land surveys for the county, if requested, but some counties do not fill the office.

county tax appraisal district The district appraises all real estate and commercial property for taxation by units of local government within a county.

county tax assessor-collector This elected official no longer assesses property for taxation but does collect motor vehicle license fees.

county treasurer An elected official who receives and pays out county money as directed by the commissioners court.

court of record Has a court reporter to record testimony and proceedings.

criminal law The body of law concerning felony and misdemeanor offenses by individuals against other persons and property.

crossover voting A practice whereby a person participates in the primary of one party, then votes for one or more candidates of another party in the general election.

crude oil production tax A severance tax fixed at 4.6 percent of the market value of crude oil.

cumulative voting When multiple vacancies occur in more than 40 at-large city councils in Texas, voters cast one or more of the specified number of votes for one or more candidates in any combination. It is designed to increase representation of minorities.

current services-based budget Prepared by employees of the Legislative Budget Board, this budget is a projection of the costs of meeting state needs for two fiscal years.

dealignment Citizens abandon allegiance to a political party and become independent voters.

death tax Texas collects an amount equal to that which would be paid to the U.S. government if the state did not levy this inheritance tax. The exemption level will rise from $1 million to $3.5 million between 2003 and 2009.

decentralized government Decentralization is achieved by dividing power between national and state governments and separating legislative, executive, and judicial branches at both levels.

defendant The person who is sued in a civil proceeding or prosecuted in a criminal proceeding.

delegated power Specific powers that are entrusted to the national government by Article 1, Section 8, of the U.S. Constitution (e.g., regulate interstate commerce, borrow money, and declare war).

deregulation The elimination of government restrictions to allow free-market competition to determine or limit the actions of individuals and corporations.

devolution Devolution exists when financial and administrative responsibilities of the federal government are shifted to state and local governments, especially in the area of social services.

direct primary A nominating system that allows voters to participate directly in the selection of candidates for public office.

district convention Held on the second Saturday after the first primary in counties that have more than one state senatorial district. Participants elect delegates to the party's state convention.

district executive committee Composed of county chairs within a district that elects a state senator, representative, or district judge, this committee meets to fill a vacancy created by the death, resignation, or disqualification of a nominated candidate.

dual budgeting system The compilation of separate budgets by a legislative budget board and an executive budget office.

early voting Conducted at the county court house and selected polling places before the designated primary, special, or general election day.

economic development An area with dilapidated housing and poorly maintained streets indicates the need for economic development to create jobs and encourage commercial activities. Municipalities may create tax reinvestment zones as an incentive for businesses to participate in economic development by locating in blighted inner-city areas.

economic interest group Trade associations and labor unions are classified as economic interest groups, because they are organized to promote policies that will maximize profits and wages.

election judge Appointed by the county commissioners court to administer an election in a voting precinct.

electioneering Campaigning actively on behalf of a candidate; the total efforts made to win an election.

elections administrator Less than 12 percent of Texas counties employ a full-time elections administrator to supervise voter registration and voting.

exclusive jurisdiction Authority of only one court to hear a particular type of case.

executive clemency Power of the governor to set aside or reduce a court-imposed penalty through pardon, reprieve, or commutation of sentence.

executive commissioner of the Health and Human Services Commission Appointed by the governor with Senate approval, this executive commissioner appoints (with approval by the governor) commissioners to head the Commission's departments of Family and Protective Services, Aging and Disability Services, Assistive and Rehabilitative Services, and State Health Services.

executive order The governor issues executive orders to set policy within the executive branch and to create task forces, councils and other bodies.

federal grant in aid Money appropriated by the U.S. Congress to help states provide needed facilities and services.

felony A serious crime punished by fine and prison confinement.

Fifteenth Amendment U.S. constitutional provision prohibiting denial of the right to vote based on race.

filibuster A delaying tactic whereby a senator may speak, and thus hold the Senate floor, for as long as physical endurance permits.

fiscal management process Involves budgeting, collecting taxes and other revenue, investing public funds, purchasing, accounting, and auditing.

fiscal note The Legislative Budget Board's assessment of the economic impact of a bill or resolution.

fiscal policy Public policy that concerns taxing, government spending, public debt, and management of government money.

frontier experience Coping with danger, physical hardships, and economic challenges tested the endurance of nineteenth-century Texans and contributed to he development of individualism.

full faith and credit It means that most government actions of another state must be officially recognized by public officials in Texas.

full pardon On recommendation of the Board of Pardons and Parole, the governor may grant a full pardon. This is an act of executive clemency that releases a convicted person from all consequences of a criminal act and restores rights enjoyed by others who have not been convicted of a crime.

functional expenditure Spending to purchase public services such as education, highways, health, and protection of people and property.

gas gathering tax This is a 7.5 percent severance tax levied on the value of natural gas production.

general business tax All sales taxes, the franchise tax, and the unemployment compensation payroll tax are general business taxes paid by corporations and other commercial enterprises operating in Texas.

general election Held in November of even-numbered years to elect county and state officials from among candidates nominated in primaries or (for small parties) in nominating conventions.

general law city Municipality with a charter prescribed by the legislature.

General Revenue Fund Less than half of state spending comes from the General Revenue Fund, which is available for general appropriations.

general sales tax At the rate of 6.25 percent of a sale, the general sales tax is the largest source of tax revenue for the state. It is applied largely to the sale price of tangible personal property and "the storage, use, or other consumption of tangible personal property purchased, leased, or rented." Food (but not restaurant meals) and prescription medicine are among items exempted from the general sales tax.

gerrymandering Drawing the boundaries of a district (e.g., state senatorial district) to include or exclude certain groups of voters and thus affect election outcomes.

ghost voting A prohibited practice whereby one representative presses the voting button of another House member who is absent.

government A public institution with authority to allocate values by formulating, adopting, and implementing public policies.

Governor's Office The Office of the Governor is the administrative organization through which the governor of Texas makes appointments, prepares a biennial budget recommendation, administers federal and state grants for crime prevention and law enforcement, and confers full and conditional pardons on recommendation of the Board of Pardons and Parole.

graded penalty Depending on the nature of the crime, felonies are graded as 1st, 2nd, and 3rd degree; misdemeanors are graded as A, B, and C.

grand jury Composed of 12 persons with the qualifications of trial jurors, a grand jury serves from three to six months while it determines if there is sufficient evidence to indict persons accused of committing crimes.

grandfather clause Exempted people from educational, property, or tax requirements for voting if they were qualified to vote before 1866 or 1867, or were descendents of such persons.

grant-in-aid Money, goods, or services given by one government to another (e.g., federal grants-in-aid to states for financing public assistance programs).

Great Plains A large area in West Texas extending from Oklahoma to Mexico, the Great Plains is an extension of the Great High Plains of the United States.

Green Party Like Green Party presidential candidate Ralph Nader, who received only 2.2 percent of the Texas vote in 2000, other Green Party candidates have attracted little support at the polls. It takes a strong stand in favor of environmental protection.

gross premium tax This is a selective business tax paid by insurance companies on premiums collected for insurance policies.

gross receipts tax A selective business tax on privately owned utility companies that are operated for a profit.

group leadership Leaders of groups tend to have financial resources that permit them to contribute money and devote time to group affairs.

Guinn *v.* United States U.S. Supreme Court decision that declared the grandfather clause violated voting rights guaranteed by the Fifteenth Amendment.

Gulf Coastal Plains Stretching from the Louisiana border to the Rio Grande, Texas's Gulf Coastal Plains area is an extension of the Gulf Coastal Plains of the United States.

hard money Campaign money contributed directly by individuals.

Harper *v.* Virginia State Board of Education Resulted in the U.S. Supreme Court invalidating payment of a poll tax as a prerequisite for voting.

high-level radioactive waste Waste derived largely from nuclear energy generation and the manufacture of nuclear weapons; it is potentially toxic for thousands of years.

high technology Technology that applies to research, development, manufacturing, and marketing of computers and other electronic products.

home rule city Municipality with a locally drafted charter.

impeachment Process in which the Texas House of Representatives, by a simple majority vote, initiates action (brings charges) leading to possible removal of certain judicial and executive officials (e.g., the governor) by the Senate.

implied power A power inferred by the constitutional authority of the U.S. Congress "to make all laws which shall be necessary

and proper for carrying into execution the foregoing [delegated] powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

ncome maintenance program These programs provide financial support for the nonworking poor: for example, mothers with dependent children in the home and elderly or blind people.

ndependent candidate A candidate who runs in a general election without party endorsement or selection.

ndependent school district Created by the legislature, an independent school district raises tax revenue to support its public schools. Voters within the district elect a board that hires a superintendent, determines salary schedules, selects textbooks, and sets the property tax rate for the district.

ndividualistic culture Looks to government to maintain a stable society but with minimum intervention in the lives of Texans.

nitiative Although not used in Texas, this is a process whereby individuals or groups may gather signatures required for submitting a proposed constitutional amendment or a proposed statute to a popular vote.

nsurance administration tax A tax of 2.5 percent is levied on the value of administrative service fees collected by insurance companies.

nterest group An organization that seeks to influence government officials and their policies on behalf of members sharing common views and objectives (e.g., labor union or trade association).

nterest group techniques These techniques are lobbying, personal communication, favors and gifts, grassroots activities, electioneering, campaign financing by PACs, and (in extreme instances) bribery and unethical practices.

nterior Lowlands This region covers the North Central Plains of Texas extending from the Metroplex westward to the Abilene area and northward to the Wichita Falls area.

tem veto Action by the governor to delete a line item while permitting enactment of other parts of an appropriation bill.

"Jim Crow" Limited by "Jim Crow" laws, African Americans were segregated and denied access to public services for many decades after the Civil War.

joint resolution Must pass by a majority vote in each house when used to memorialize the U.S. Congress or to ratify an amendment to the U.S. Constitution. As a proposal for an amendment to the Texas Constitution, a joint resolution requires a two-thirds majority vote in each house.

judgment (or decree of the court) A judge's written opinion based on a verdict.

jungle primary Louisiana conducts a jungle primary in which candidates from all parties compete in a single election. A candidate who receives 50 percent or more of the vote is elected; otherwise, a runoff between the top two candidates must be held.

junior college or community college district Establishes one or more two-year colleges that offer both academic and vocational programs.

jurisdiction A court's authority to hear a particular case.

labor organization A union that supports public policies designed to increase wages, obtain adequate health insurance coverage, provide unemployment insurance, promote safe working conditions, and otherwise protect the interests of workers.

laissez-faire An economic theory calling for a "let alone" or "hands off" policy by government regarding economic matters.

La Raza Unida A Mexican American political party that elected a few local government officials in South Texas during the 1970s. It mobilized many Latino voters statewide and caused the Democratic Party and government officials to become more attentive to their demands.

Latino This is an ethnic classification of Mexican Americans and others of Latin American origin. When applied to females, the term is Latina.

law enforcement power This power is primarily a responsibility of municipal and county governments, but the governor appoints members of the state's Public Safety Commission and is empowered to assume

command of the Texas Rangers in order to deal with an emergency.

Legislative Budget Board A 10-member body chaired by the lieutenant governor, this board and its staff prepare a biennial current-services budget. In addition, the LBB assists with the preparation of a general appropriation bill at the beginning of a regular legislative session; and, if requested, it prepares fiscal notes that assess the economic impact of a proposed bill or resolution.

legislative power The governor's legislative power is exercised through messages delivered to the Texas Legislature, vetoes of bills and concurrent resolutions, and calls for special sessions of the legislature.

liberal One who favors government regulation to achieve a more equitable distribution of wealth.

Libertarian Party One of Texas's "third parties," this party advocates minimal involvement of government at all levels but maximum individual freedom and rights.

lieutenant governor Popularly elected, serves as president of the Senate, and is first in the line of succession if the office of governor becomes vacant before the end of a term.

literacy test As a prerequisite for voter registration, this test was designed and administered in ways intended to prevent African Americans and Latinos from voting.

lobbying Communicating with legislators or other government officials on behalf of an interest group or a corporation for the purpose of influencing the decision-making process.

local government Units of local government authorized by the Texas Constitution are counties, municipalities, school districts, and other special districts. These "grassroots governments" provide a wide range of services that include rural roads, protection of persons and their property, city streets, and public education.

low-level radioactive waste Nuclear materials produced by hospitals, medical schools, and research laboratories; this waste can constitute an environmental hazard for hundreds of years.

maquiladora An assembly plant that uses cheap labor and is located on the Mexican side of the U.S.-Mexican border.

martial law Temporary rule by military authorities when civil authorities are unable to handle a riot or other civil disorder.

Medicaid Funded in part by federal block grants and in part by state appropriations, Medicaid provides medical care for persons falling below the poverty line.

Medicare This is a program funded entirely by the federal government. Administered by the U.S. Department of health and Human Services, it provides medical assistance to qualified applicants age 65 and older.

message power The governor's State of the State address at the "commencement" of a legislative session and special messages delivered in person or in writing are examples of gubernatorial exercise of message power to communicate with legislators and the public.

metro government Consolidation of units of local government within an urban area under a single authority.

metropolitan division County or group of counties within a core based statistical area that contains a core with a population of at least 2.5 million.

metropolitan statistical area (MSA) A free-standing urban area with a minimum total population of 50,000.

metropolitanization Concentration of people in urban centers that become linked.

micropolitan statistical area An area that has at least one urban cluster with a population of at least 10,000, but less than 50,000.

misdemeanor Classified as A, B, or C, a misdemeanor may be punished by fine and/or jail sentence.

Missouri Plan A judicial selection process which features nomination by a commission that recommends a panel of names to the governor, followed by appointment for a period of one year or so before voters determine whether the judge will be retained for a full term.

moralistic culture This culture influences people to view political participation as their duty and to expect that government will be used to advance the public good.

motor-voter law Legislation requiring certain government offices (e.g., motor vehicle licensing agencies) to offer voter registration applications to clients.

multimember district A district in which all voters participate in the election of two or

more representatives to a policymaking body, such as a city council or a state legislature.

municipal bond General obligation bonds (redeemed from city tax revenue) and revenue bonds (redeemed from revenue obtained from the property or activity financed by the sale of the bonds) are authorized under Texas law.

municipal government A local government for an incorporated community established by law as a city.

NAACP *v.* Alabama By recognizing the right of association, this U.S. Supreme Court decision facilitated the development of the National Association for the Advancement of Colored People and other interest groups.

national supremacy clause Article VI of the U.S. Constitution states: "This Constitution and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made or which shall be made under the Authority of the United States, shall be the supreme Law of the Land. . . ."

Native American A descendent of the first Americans, who were called *indios* by Spanish explores and Indians by Anglo settlers who arrived later.

neoconservatism A political ideology that reflects fiscal conservatism but accepts a limited governmental role in solving social problems.

neoliberal A political view that advocates less government regulation of business but supports more governmental involvement in social matters.

Nineteenth Amendment Guarantees that the right to vote will not be denied on the basis of gender.

noneducational special district A special district other than a school district or a community college district, such as a fire prevention or crime control district, which is a unit of local government that may cover part of a county, a whole county, or areas in two or more counties.

nonpartisan blanket primary A nominating process whereby voters indicate their preferences by using a single ballot on which are printed the names and respective party labels of all persons seeking nomination.

nonpartisan election An election in which candidates are not identified on the ballot by party label.

nonradioactive hazardous waste Any by-product that is not radioactive but which poses a substantial present or potential threat to plants, animals, and humans because it is harmful to their health and welfare.

North American Free Trade Agreement (NAFTA) An agreement among the United States, Mexico, and Canada that was designed to expand trade among the three countries by reducing and then eliminating tariffs over a 15-year period.

objective expenditure A public expenditure viewed according to goods and services purchased (such as medical assistance for needy people).

off-year or midterm election A general election held in the even-numbered year following a presidential election.

open primary A primary in which voters are not required to declare party identification.

ordinance A local law enacted by a city council or approved by popular vote in a referendum election.

organizational pattern Decentralization is the pattern of organization for some interest groups (e.g., the AFL-CIO, with many local and unions), while others are centralized (e.g., the National Rifle Association, which is a national body without affiliated local or regional units).

original jurisdiction The power of a court to hear a case first.

parliamentarian An expert on rules of order who sits at the left of the presiding officer in the House or Senate and is ever ready to give advice on procedural questions.

parole Release from prison before completion of a sentence; the release is conditioned by good behavior of the parolee.

patrón system A type of boss rule that has dominated some areas of South Texas.

payroll tax Levied against a portion of the wages and salaries of employees in order to provide funds for payment of unemployment insurance benefits to these people when they are out of work.

permanent party organization In Texas, the precinct chairs, county and district executive committees, and the state executive committee form the permanent organization of a political party.

petit jury A trial jury of 6 or 12 members.

physical region An area identified by unique geographic features, e.g., the Gulf Coastal Plains and the Great Plains.

place system A system in which city council candidates file for numerically designated places and all voters in the city vote in each place contest.

plaintiff The injured party who initiates a civil suit.

platform A document that sets forth a political party's position on issues such as an income tax, school vouchers, or public utility regulation.

plural executive The governor and elected department heads as provided by the Texas Constitution.

policy making by constitutional amendment Authorization for government action that requires a constitutional change.

political action committee (PAC) An organizational device used by corporations, labor unions, and other organizations to raise money for campaign contributions.

political culture Attitudes, habits, and general behavior patterns that develop over time and affect the political life of a state or region.

political inefficacy Inability to influence the nomination and election of candidates and the making of decisions by governing bodies. In Texas, this has been a major problem for minorities and low income groups.

political influence of interest groups This a highly variable factor that depends largely on the size of a group's membership, financial resources, quality of leadership, and degree of unity.

political party An organization that is influenced by political ideology but whose primary interest is to gain control of government by winning elections.

politics The process employed by individuals and political parties to nominate and elect public officials and to formulate public policy.

poll tax A tax levied in Texas from 1902 until a similar Virginia tax was declared unconstitutional in 1962; failure to pay the annual tax (usually $1.75) made a citizen ineligible to vote in party primaries or in special and general elections.

population shift Within Texas this shift has featured demographic movements from rural to urban areas and from large cities to suburbs.

Populist Party With a rural base, this political party became the principal opponent of the Texas Democratic Party in the 1890s.

postadjournment veto Rejection by the governor of a pending bill or concurrent resolution during the 20 days following a legislative session.

power group An effective interest group that is strongly linked with legislators and bureaucrats for the purpose of influencing decision making and which has a continuing presence in Austin as a "repeat player" from session to session.

preamble The short preamble of the Texas Constitution states: "Humbly invoking the blessings of Almighty God, the people of the State of Texas do ordain and establish this Constitution." Thus, the preamble is an expression of popular sovereignty.

precinct chair The party official responsible for the interests and activities of a political party in a voting precinct; typical duties include supervising party volunteer workers, encouraging voter registration, and getting out the vote on election day.

precinct convention At the lowest level of political party organization, voters convene in March of even numbered years to adopt resolutions and to name delegates to a county convention.

president of the Senate Title of the lieutenant governor in his or her role as presiding officer for the Texas Senate.

presidential preference primary A primary in which the voters indicate their preference for a person seeking nomination as the party's presidential candidate.

primary election A preliminary election conducted within the party to select candidates who will run for public office in a subsequent general election.

privileges and immunities Article IV of the U.S. Constitution guarantees that "citizens of each state shall be entitled to the privileges and immunities of citizens of the several states." According to the U.S. Supreme Court, this means that citizens are guaranteed protection by government, enjoyment

of life and liberty, the right to acquire and possess property, the right to leave and enter any state, and the right to use state courts.

probate Probate cases involving wills and guardianships fall under the jurisdiction of county courts and probate courts.

procedural committee These House committees (e.g., Calendars Committee and House Administration Committee) consider bills and resolutions relating primarily to internal legislative matters.

proclamation A governor's official public announcement (e.g., calling a special election or declaring a disaster area).

professional group An organization of physicians, lawyers, accountants, or other professional people that lobbies for policies beneficial to members.

progressive taxation A tax policy whereby people in each successively higher income bracket pay a progressively higher tax rate.

public interest group An organization claiming to represent a broad public interest (environmental, consumer, civil rights) rather than a narrow private interest.

public officer and employee group An organization of city managers, county judges, or other public employees or officials that lobbies for public policies that protect group interests.

public policy Government action designed to meet a public need or goal as determined by a legislative body or other authorized officials.

Public Utility Commission (PUC) A three-member body with regulatory power over utilities such as gas, electric, and telephone companies.

racial and ethnic groups Organizations like the National Association for the Advancement of Colored People and the League of United Latin American Citizens, which seek to influence government decisions affecting African Americans and Latinos, respectively.

racial gerrymandering Drawing districts designed to affect representation of a racial group (e.g., African Americans) in a legislative chamber, city council, commissioners court, or other representative body.

"rainy day" fund A fund used for stabilizing state finance when there is insufficient revenue to cover public education, criminal justice, or other important programs.

realignment Occurs when members of one party shift their affiliation to another party.

recess appointment An appointment made by the governor when the Texas Legislature is not in session.

recidivism Criminal behavior that results in reincarceration after a person has been released from confinement for a prior offense.

redistricting Redrawing of boundaries following the federal decennial census to create districts with approximately equal population (e.g., legislative, congressional, and commissioners court districts in Texas).

referendum The referendum process, not used in Texas, allows voters to gather signatures needed to challenge at the polls (and potentially to overturn) a law enacted by their state legislature.

Reform Party The third party launched by Ross Perot and his supporters in 1992.

regressive tax A tax whereby the effective tax rate falls as the tax base (e.g., individual income, corporate profits) increases.

regular session A session of the Texas Legislature that begins on the second Tuesday in January of odd-numbered years and lasts for a maximum of 140 days.

religious-based group A group like the Christian Coalition or the Texas Faith Network that lobbies for policies promoting its religious interests.

removal power Authority to remove an official from office. In Texas, the governor's removal power is limited but extends to staff members, some agency heads, and, with the consent of the Senate, to other appointees.

reprieve An act of executive clemency that temporarily suspends the execution of a sentence.

reserved power The Tenth Amendment of the U.S. Constitution declares that "The powers not delegated by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." Although not spelled out in the U.S. Constitution, these reserved powers include police power, taxing power, proprietary power, and power of eminent domain.

right of association The U.S. Supreme Court has ruled that this right is part of the right of

assembly guaranteed by the First Amendment of the U.S. Constitution and that it protects the right of people to organize into groups for political purposes.

Robin Hood plan A plan for equalizing financial support for school districts by transferring tax money from rich districts to poor districts.

run-off primary A "second primary" that is held for the purpose of nominating candidates for offices for which absolute majority votes were not obtained in the first primary held a month earlier.

school voucher A means for providing state funds to pay tuition for a student enrolled in a private school.

secretary of state The state's chief elections officer who is appointed by the governor for a four-year term.

securitization Sale of bonds backed by future payments of tobacco settlements.

select committee Created independently by the speaker, a select committee works on emergency legislation early in a session before substantive committees are appointed.

selective business tax Corporations and other commercial enterprises pay selective taxes on oil and gas production, gross premiums paid to insurance companies, and gross receipts of public utilities.

selective sales tax These are quantity-based consumption taxes on motor fuel, alcoholic beverages, and tobacco products.

senatorial courtesy Before making an appointment, the governor is expected to obtain approval from the state senator in whose district the prospective appointee resides; failure to obtain such approval will probably cause the appointee to be "busted" by the Senate.

separation of powers The assignment of lawmaking, law-enforcing, and law-interpreting functions to separate branches of government.

service sector jobs Include employment providing the services of hospitals, hotels, bowling alleys, data processing companies, and management consultants.

severance tax An excise tax levied on a natural resource (e.g., oil or natural gas) when it is severed (removed) from the earth.

Shaw *v.* Reno In this case, the U.S. Supreme Court ruled against racial gerrymandering.

simple resolution A resolution that requires action by one legislative chamber only and is not acted on by the governor.

sin tax A selective sales tax on items such as cigarettes, other forms of tobacco, and alcoholic beverages.

single-member district An area that elects only one representative to serve on a policy-making body (e.g., city council, county commissioners court, state House and Senate).

small-claims court Presided over by a justice of the peace, a small claims court offers an informal and relative inexpensive procedure for handling damage claims of $5,000 or less.

Smith *v.* Allwright U.S. Supreme Court case in which the Court outlawed the white primary for nominating candidates for public office.

social interest group Included among groups that are concerned primarily with social issues are organizations in the areas of civil rights, racial and ethnic matters, religion, and public interest protection.

soft money campaign money donated to national political parties rather than to candidates.

speaker of the House The state representative who is elected by House members to serve as the presiding officer for that chamber.

special committee A Senate committee appointed by the lieutenant governor to study an important policy issue between regular sessions.

special election An election called by the governor to fill a vacancy (e.g., U.S. congressional or state legislative office) or vote on a proposed state constitutional amendment or local bond issue.

special fund Revenue designated for financing a specified activity, such as a retirement program.

special issue A question that a judge presents to a trial jury for the purpose of establishing facts in a case.

special session A legislative session called by the governor and limited to not more than 30 days.

Spindletop Field Located near Beaumont, this oil field sparked a boom in 1901 that made Texas a leading petroleum producer.

standing committee A Senate committee appointed by the lieutenant governor for the purpose of considering proposed bills and resolutions prior to possible floor debate and voting by senators.

state auditor Appointed by the Legislative Audit Committee, the state auditor checks financial records and accounts of officials who handle state money.

State Board of Education A popularly elected 15-member body that heads Texas's K-12 education system.

state convention Convenes every even-numbered year to make rules for a political party, adopt a party platform and resolutions, and select members of the state executive committee; in a presidential election year it elects delegates to the national convention and names members to serve on the national committee.

state executive committee Composed of a chair, vice chair, and two members from each senatorial district, this body is part of a party's permanent organization.

straight-ticket voting Voting for all the candidates of one party.

stratarchy A political system wherein power is diffused among and within levels of party organization.

strong mayor-council form A type of municipal government with a separately elected legislative body (council) and an executive head (mayor), who runs for office in a city-wide election and has veto, appointment, and removal powers.

substantive committee Appointed by the House speaker, a substantive committee considers bills and resolutions related to the subject identified by its name (e.g., House Agriculture Committee) and may recommend passage of proposed legislation to the appropriate calendar committee.

suburbanization Growth of relatively small towns and cities, usually incorporated but outside the corporate limits of a central city.

suffrage The right to vote.

sunset process Over a cycle of 12 years, each state agency is studied, and then the legislature decides whether to abolish, merge, or retain it.

superdelegate An unpledged party official or elected official who serves as a delegate to a party's national convention.

tax A compulsory contribution exacted by a government for a public purpose.

tax abatement Elimination of taxes for a limited period of time.

tax increment financing (TIF) A method for attracting business activity to an inner-city area. After tax values are frozen, incremental property taxes on increased values are dedicated to paying for public improvements in the area.

tax reinvestment zone (TRZ) Municipal tax incentives are offered to encourage businesses to locate in and contribute to the development of a blighted urban area. Commercial and residential property taxes are frozen.

Temporary Assistance for Needy Families (TANF) Replaced Aid for Families with Dependent Children (AFDC) in an attempt to help poor people move from welfare to the workforce.

temporary party organizations Primaries and conventions that function briefly to nominate candidates, pass resolutions, adopt a party platform, and select delegates to party conventions at higher levels.

Tenth Amendment See *reserved powers.*

term limits Restriction on the number of terms that can be served in a public office.

Texas Assessment of Knowledge and Skills (TAKS) A standardized test covering a core curriculum.

Texas Commission on Environmental Quality (TCEQ) The state agency that coordinates Texas's environmental protection efforts.

Texas Department of Human Services (TDHS) Responsible for administering welfare programs, including Temporary Assistance for Needy Families.

Texas Education Agency Administers the state's public school system that includes more than 6,300 schools.

Texas Election Code The body of state law concerning parties, primaries, and elections.

Texas Equal Legal Rights Amendment Added to Article 1, Section 3 of the Texas Constitution, it guarantees that "Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin."

Texas Ethics Commission Enforces state standards for lobbyists and public officials, including registration of lobbyists and reporting of political campaign contributions.

TEXAS Grants Program "Toward Excellence, Access, and Success," the program provides funding for qualifying college and university students.

Texas Higher Education Coordinating Board An 18-member body that provides some direction for the state's community colleges and universities.

Texas Mobility Fund Provides money for financing highway construction.

Texas Natural Resource Conservation Commission (TNRCC) Replaced in 2002 by the Texas Commission on Environmental Quality (TCEQ).

Texas Parks and Wildlife Department Charged with preserving the state's natural habitat and providing recreational areas for Texans and tourists from other states and countries.

Texas Railroad Commission A popularly elected, three-member commission that is primarily engaged in regulating the production of natural gas and petroleum.

Texas Tomorrow Fund Includes Tomorrow's College Investment Plan and the Texas Tuition Plan that involve saving for college and university expenses.

Texas *v.* White Case in which the U.S. Supreme Court ruled that states do not have a right to secede from the Union.

Texas Water Development Board Conducts statewide water planning as mandated by state law.

Texas Workforce Commission (TWC) A state agency headed by three salaried commissioners who supervise implementation of job training and unemployment compensation programs.

third party A party other than the Democratic Party or the Republican Party. Sometimes called a "minor party" because of limited membership and voter support.

tort An unintended injury to another person or to a person's property.

traditionalistic culture A culture brought to Texas by migrants from the Old South who wanted to preserve the nineteenth-century social order and maintain one-party (Democratic) government controlled by white Texans.

Twenty-Fourth Amendment A U.S. constitutional provision that prohibits payment of a tax as a condition for voting.

Twenty-Sixth Amendment A U.S. constitutional provision forbidding states from setting a minimum voting age higher than 18 years.

underemployment Working fewer hours than desired, receiving lower wages than deserved, or being overqualified for a job.

undocumented alien A person who enters the United States in violation of federal immigration laws.

unicameral The term that describes a one-house legislature (e.g., the Nebraska Legislature).

universal suffrage Voting is open for virtually all persons who are 18 years of age or older.

urbanization Migration of people from rural areas to cities.

venire A panel of prospective jurors drawn by random selection.

verdict A finding of guilty or not guilty by a jury.

veto power Authority of the governor to reject a bill or concurrent resolution passed by the legislature.

voir dire Courtroom procedure whereby attorneys question prospective jurors to identify any who cannot be fair and impartial.

voter registration A qualified voter must register with the county voting registrar, who compiles lists of qualified voters residing in each voting precinct.

voting precinct The basic geographic area for conducting primaries and elections; Texas is divided into almost 9,000 voting precincts.

weak mayor-council form A type of municipal government with a separately elected mayor and council, but the mayor shares appointive and removal powers with the

council, which can override the mayor's veto.

welfare Aid for persons lacking financial resources for self-support, such as that provided through Temporary Assistance for Needy Families.

white primary A nominating system designed to prevent African Americans and some Mexican Americans from participating in Democratic primaries from 1923 to 1944.

women's organization A women's group, such as the League of Women Voters, that engages in lobbying and educational activities to promote greater political participation by women and others.

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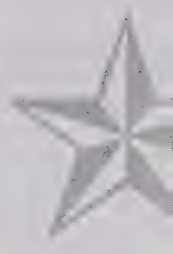
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CUSTOM 12th EDITION

PRACTICING TEXAS POLITICS

Study Guide

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Study Guide

Practicing Texas Politics

TWELFTH EDITION

Brown/Langenegger/García/Lewis

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TO THE STUDENT

This study guide is intended to help you understand the politics of state and local government in Texas. It supplements the twelfth edition of *Practicing Texas Politics* by Brown, Langenegger, García, and Lewis, although it is not a substitute for the text. The study guide has been designed for use in a traditional lecture class or a self-paced course.

Each chapter of the study guide covers a corresponding chapter in *Practicing Texas Politics* and is composed of three parts:

I. Preparing to Study
II. Testing Your Knowledge
III. Applying Your Knowledge

Part I, "Preparing to Study," consists of the following sections:

A. Performance Objectives
B. Overview of the Text
C. Key Terms and Concepts
D. Overview of the Readings

Section A, "Performance Objectives," describes what you should be able to do after you have mastered the material in a chapter of *Practicing Texas Politics*. This section serves as both a preview of what to expect from the chapter and, after you have read the chapter, a helpful review. Section B, "Overview of the Text," which briefly summarizes the main topics, is intended for reading both before and after you study the text. Section C, "Key Terms and Concepts," provides a list of words that have been boldfaced in the text to indicate their importance. Included within parentheses are page numbers where these boldfaced terms and concepts are found. Some of these terms (along with many others) are defined in the glossary of *Practicing Texas Politics*, which is printed immediately preceding the index of that book. If, after studying the text, you are unable to identify these key terms and concepts, you should consult the page referred to in parentheses. Section D, "Overview of the Readings," briefly summarizes the content of each reading. If you examine this section both before and after you study the readings, it will serve as both a preview and a review of each reading.

Part II, "Testing Your Knowledge," is organized as follows:

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A. True-False Questions on Text Material
B. True-False Questions on Readings
C. Multiple-Choice Questions on Text Material
D. Multiple-Choice Questions on Readings
E. Completion Questions on Text Material
F. Completion Questions on Readings
G. Essay Questions

After careful study and review of the text and readings, you will be ready for a self-test of your knowledge. Sections A through F present three different kinds of questions—true-false, multiple-choice, and completion (or fill-in-the-blank)—on both text material and readings. Answers to these objective questions are provided at the end of each chapter. If you answer a question incorrectly, you should restudy the page or pages of *Practicing Texas Politics* given in parentheses next to that question. Although the experience of answering all of these questions provides the best measure of your mastery of the chapter, answering every odd-numbered question (or even-numbered question) may achieve the same purpose if you are pressed for time.

Section G consists of essay questions and ranking of states according to data provided in or derived from one or more "How Do We Compare" boxes. Page numbers are given for material that should be most useful in writing each essay. The experience of preparing outlines for some or all of the essays may be sufficient preparation for your instructor's essay examinations.

Part III, "Applying Your Knowledge," has two sections:

A. Outside Readings and Cartoons
B. Internet Research Project

Section A, "Outside Readings and Cartoons," assigns five tasks:

1. Summarizing a magazine article or journal article on Texas politics.
2. Summarizing a chapter in a book on Texas politics.
3. Summarizing a newspaper editorial on Texas politics.
4. Summarizing a newspaper article on Texas politics.
5. Interpreting an editorial cartoon on Texas politics, and explaining why you agree or disagree with the cartoonist's point of view

Section B, "Internet Research Project," involves use of electronic sources. Tips on use of the Internet are provided for the benefit of beginners.

By performing the tasks called for in Part III, you will obtain new knowledge that will supplement what you have learned by studying *Practicing Texas Politics*.

Study the appropriate chapter of *Practicing Texas Politics* before you take the self-test provided in Part II of each study guide chapter. Merely searching the text and readings for answers to self-test questions is not an effective study method. After

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careful study, however, the self-tests should serve as reliable measures of your mastery of the material.

Pages are perforated so that you can submit parts of the study guide to your instructor or file them with notes and other materials you have collected.

Comments and questions on the study guide are welcome; address them to any one of the co-authors:

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CHAPTER ONE

The Environment of Texas Politics

I. Preparing to Study

A. Performance Objectives

After studying and reviewing the text and readings in this chapter, you will be able to:

1. Illustrate how public policy is formulated, adopted, and implemented.
2. Define political culture, and explain how political culture has influenced politics in the Lone Star State.
3. Describe how the frontier experience helped shape political culture in Texas.
4. Identify the four principal physical regions of Texas and describe important geographic features of each region.
5. Describe the origin and development of cattle ranching, cotton farming, and oil production in Texas.
6. Discuss population growth, distribution, and changes that have accompanied urbanization and metropolitanization in Texas.
7. Identify the three most numerous racial/ethnic groups in Texas today, and note the size and location of the state's Native-American and Asian-American populations.
8. Explain how the economy of Texas is influenced by high-tech and biotech research and development, services, agriculture, and trade.
9. Discuss the importance of the immigration issue for Texans.
10. Identify important environmental, water supply, social, and economic problems facing policymakers in the Lone Star State.
11. Propose new public policies for Texas as the state meets important challenges at the beginning of the twenty-first century.

B. Overview of the Text (pp. 2–35)

Like the other 49 members of the Federal Union, Texas has land, people, and a state government that makes, enforces, and interprets laws.

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Political Behavior Patterns (pp. 2–7). As a result of political action, public policy is formulated, adopted, and implemented by government. The shaping of public policy in Texas is affected by the state's political culture and geography. Daniel Elazar has classified Texas's political culture as strongly conservative and individualistic. Because of the traditionalistic influence of the Old South, many Texans have inherited racist attitudes. As a result of their war for independence from Mexico, decades of frontier conflict with Native Americans, range wars, and other forms of violence, Texans became accustomed to struggling for survival and settling disputes by force. Today, new influences in an urbanized society are affecting attitudes and reshaping the state's political culture.

The Land (pp. 7–14). Encompassing about 267,000 square miles of territory, Texas is the second largest state. Because of its size, Texas entered the Union with authorization to subdivide into as many as five states.

Cattle, cotton, and oil emerged at different times as dominant elements in Texas's economy and strongly influenced the state's politics. With dropping oil prices and reduced production in the mid-1980s, Texas experienced a sharp decline in government revenue from this source. Early in the twenty-first century, the oil and natural gas industry accounted for less than 6 percent of the state's economy.

The People (pp. 15–24). Texas had more than 20.8 million inhabitants when the federal census was taken in 2000. This was a 22.8 percent increase over the 1990 population. As a result of urbanization and metropolitanization, less than one-fifth of Texas's counties now have more than four-fifths of the state's people. Population percentages (rounded) for Texas's principal ethnic/racial groups in 2000 were Anglo, 52; Latino, 32; African American, 11; and Asian American, 3. There were less than 70,000 Native Americans. Latinos are Texas's fastest-growing population group.

Searching for New Economic Directions (pp. 24–30). The decline of Texas's petroleum industry in the 1980s dealt a blow to the Texas economy, and the bankruptcy of the Houston-headquarterd Enron Corporation in 2001 resulted in loss of money by investors and loss of jobs by thousands of employees. Nevertheless, growth of the state's high-tech and biotech industries illustrate the state's economic development. From 2001 to 2003, however, many high-tech workers lost their jobs. Texas businesses providing health care, personal services, and commercial services have expanded rapidly; but jobs in these service industries tend to pay lower wages and salaries than jobs with manufacturing companies.

The Lone Star State leads the nation as a producer of beef, wool, mohair, cotton, and grain sorghum. The number of Texas farms and ranches has changed from

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more than 500,000 to about 230,000 since the 1930s, while the average size of each agricultural unit has increased from 300 acres to approximately 575 acres.

Since the North American Free Trade Agreement (NAFTA) was approved in 1993, U.S. trade with Mexico and Canada has increased. Despite related traffic and pollution problems, NAFTA has resulted in jobs and business opportunities for many Texans. Meanwhile, Mexico continues to be plagued with serious economic and political problems.

Meeting New Challenges: Social and Economic Policy Issues (pp. 30–35). In recent years, the Latino population has increased significantly as a result of an influx of undocumented aliens from Mexico. Although the Immigration Reform and Control Act of 1986 and the Immigration Control and Financial Responsibility Act of 1996 were designed to discourage illegal immigration, undocumented aliens continued to cross the Mexican border in search of employment. After the terrorist attacks on the Pentagon and New York's World Trade Center in 2002, the U.S. Congress passed the Enhanced Border Security and Visa Entry Reform Act of 2002, which strengthens efforts to prevent illegal immigration.

Among other challenges faced by Texans are growing water needs, inadequate environmental protection efforts, failure of schools to educate the state's youth for productive roles in an increasingly competitive world economy, and serious poverty-related social problems.

Looking Ahead (p. 35). Human needs and natural disasters will call for government actions in the years ahead. But Texans must realize that their ability to cope with future problems depends on how well our homes and schools prepare young Texans for global change in the twenty-first century.

C. Key Terms (with textbook page numbers)

politics (2)
government (2)
public policy (3)
aliens (3)
political culture (4)
moralistic culture (4)
individualistic culture (4)
traditionalistic culture (4)
political inefficacy (4-5)
frontier experience (5)
Jim Crow (6)
patrón system (6)
physical regions (9)
Gulf Coastal Plains (9)
Interior Lowlands (10)
Great Plains (10)
Basin and Range (10)
Spindletop Field (13)
Texas Railroad Commission (13)
population shift (16)
urbanization (17)
suburbanization (17)

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metropolitanization (17)
metropolitan statistical area (MSA) (17)
primary metropolitan statistical area (PMSA) (17)
consolidated metropolitan statistical area (CMSA) (17)
Anglo (19)
Latino (19)
African American (21)
Asian American (22)
Native American (23)
high technology (25)
North American Free Trade Agreement (NAFTA) (29)
maquiladora (29)
undocumented alien (31)
Texas Water Development Board (TWDB) (32)

D. Overview of the Readings (pp. 41–48)

1.1. "Populating Texas" by Joe Holley (pp. 41–44)

While many people imagine a Texas defined by such icons as cowboys, farmers, and the Texas Rangers, the 2000 census reveals a different picture. A largely urban state today, Texas has been so since the 1950s. As well, it enjoys a population defined by racial and cultural diversity. In addition to its traditional ethnic base of Hispanics with ties to Mexico and African Americans, Texas now has significant populations of Asian Americans and of Hispanics from Central America. Further, as its cities have grown, many Texans have moved from employment in farming and ranching to oil and manufacturing. Thus, a traditional picture of Texas dominated by lonesome prairies and solitary, Anglo cowhands does not reflect the Lone Star state of today.

1.2. "Immigration after 9/11" by Edith Austin and Spencer Franklin (pp. 44–48)

Immigration into the United States has become an even stickier issue since the attacks of September 11, 2001. The federal government allows two types of immigration: unlimited and limited. Unlimited immigration is for immediate relatives of U.S. citizens and returning permanent U.S. residents who have been out of the country for more than one year. In the limited category are family-based immigration, employment-related immigration, and lottery immigration for winners of a lottery open to residents of countries with historically low rates of U.S. immigration. Additionally, there is non-immigrant admission, mainly for tourists and students. Of course others come to the United States illegally. Sharing a border with Mexico, each year Texas receives a large number of immigrants, legal and illegal. Along the Texas-Mexico border, many cities have experienced tremendous growth because of strong cross-border ties. Before 9/11, President George W. Bush and Mexican President Vicente Fox began a serious dialogue about the shared border and immigration issues. Both Texas and the United States now must focus on balancing the

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opportunities offered by close ties to Mexico through trade and immigration with the need to improve security.

II. Testing Your Knowledge

A. True-False Questions on Text Material (with textbook page numbers)

_____ 1.1. Political actors do not include party activists and government officials. (2)

_____ 1.2. Public policy is formulated, adopted, and implemented by government. (2)

_____ 1.3. Before becoming a part of the United States, Texas was an independent republic. (5)

_____ 1.4. Daniel Elazar identifies Texas's political culture with economic and social conservatism. (5)

_____ 1.5. Before the Civil War, most Anglo Texans owned one or more slaves. (6)

_____ 1.6. There is no evidence of a traditionalistic influence in the political culture of Mexican-American Texans. (7)

_____ 1.7. None of the four Mexican states bordering Texas has a larger area than California. (8)

_____ 1.8. The Ogallala Aquifer provides water for irrigating crops in Texas's Gulf Coastal Plains. (10)

_____ 1.9. Employment in Texas's oil and gas industry has tended to increase since the early 1980s. (13–14)

_____ 1.10. Urbanization features migration of people from rural regions to cities. (17)

_____ 1.11. Native Americans make up approximately 5 percent of the residents of Texas. (18)

_____ 1.12. African Americans first entered Texas with Spanish explorers. (21)

_____ 1.13. In *Fortune* magazine's 2003 listing of the 500 largest corporations in America, none was headquartered in Texas. (24)

_____ 1.14. Before its collapse, Enron was the largest bank in Texas. (25)

_____ 1.15. Most agricultural commodities produced in Texas are processed locally. (28)

_____ 1.16. The Immigration Reform and Control Act of 1986 imposed penalties on employers for knowingly hiring undocumented workers. (31)

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_____ 1.17. In 1994, when other states sued the federal government to recover costs resulting from illegal immigration, Texas did not sue. (31)

_____ 1.18. Nearly all Texans can read and write well enough to fill out a simple job application form. (34)

_____ 1.19. Texas ranks near the bottom in a ranking of states according to governmental responses to poverty and social problems. (35)

B. True-False Questions on Readings (with textbook page numbers)

_____ 1.20. As Texas cities began to sprawl in the 1960s, many residents stopped going to downtown areas to shop or work. (42)

_____ 1.21. In recent yeas, new Texans have come increasingly from Mexico and Central America. (44)

_____ 1.22. Some immigrant visas are issued by the U.S. government through a lottery. (45)

_____ 1.23. A Bush-backed amnesty proposal was criticized by some members of the U.S. Congress who contended that it unfairly discriminated against Mexican immigrants for the benefit of those from Central America. (48)

C. Multiple-Choice Questions on Text Material (with textbook page numbers)

_____ 1.24. Politics determines "who gets what, when, and how," according to political scientist (2)

a. Daniel Elazar.
b. Lyle C. Brown.
c. Harold Lasswell.
d. Joyce A. Langenegger

_____ 1.25. After a bill providing for a state pesticide control program is passed by the Texas Legislature and signed by the governor, the new policy is implemented by (3–4)

a. private citizens.
b. a state governmental agency.
c. the state House of Representatives.
d. the state Senate.

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_____ 1.26. The foundations of Texas's political culture were laid and developed under the flags of six national governments, including (5)

a. Holland.
b. Great Britain.
c. Belgium.
d. the Confederate States of America.

_____ 1.27. Texas has a political climate that is very favorable to (6)

a. labor unions.
b. radical ideologies.
c. business.
d. high government spending for social services.

_____ 1.28. Under terms of the congressional resolution whereby Texas became a state, (8)

a. up to four additional states could be carved out of Texas and admitted to the Union.
b. Mexico was authorized to join the Union as a superstate.
c. Texas's public debt was assumed by the federal government.
d. slavery was prohibited in Texas.

_____ 1.29. Cattle from Mexico interbred with cattle brought to Texas by Anglo settlers and produced the hardy (11)

a. Hereford cattle.
b. longhorn cattle.
c. Angus cattle.
d. Brahman cattle.

_____ 1.30. More than half of Texas's annual cotton crop is produced in the (13)

a. High Plains region of West Texas.
b. Hill Country west of Austin.
c. Lower Rio Grande Valley of South Texas.
d. Blacklands of Central Texas.

_____ 1.31. Employing a half million workers who earned more than $11 billion annually, Texas's petroleum industry reached its peak in the (13)

a. 1920s.
b. years of World War II.
c. years of the Vietnam War.
d. early 1980s.

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_____ 1.32. In the early 1990s, there was a break in the pattern of low oil prices as a result of (14)

a. the election of President Bill Clinton.
b. congressional approval of NAFTA.
c. the Whitewater affair.
d. the Gulf War.

_____ 1.33. Texas's Loving County is (15)

a. a sparsely populated county on the New Mexican border.
b. an urban county that contains Houston and its suburbs.
c. a poor but densely populated county in the Rio Grande Valley.
d. a densely populated county on the Louisiana border.

_____ 1.34. Their search for employment and their desire for a higher standard of living have been the moving forces behind the large-scale movement of Texas's African Americans to (22)

a. other countries where they enjoy greater opportunities.
b. rural areas of Texas and bordering states.
c. Houston, Dallas, and other urban areas of Texas.
d. New York and the New England states.

_____ 1.35. Most of Texas's Native Americans live (24)

a. in towns and cities.
b. on the Alabama-Coushatta reservation in East Texas.
c. on the Tigua reservation in the vicinity of El Paso.
d. on the Texas-Mexico border near Eagle Pass.

_____ 1.36. Before its collapse, Enron reported inflated profits and reduced debt; and this was done with the assistance of Arthur Anderson, (25)

a. an accounting firm.
b. a Dallas bank.
c. a New York broker.
d. the Texas comptroller of public accounts.

_____ 1.37. A highly-publicized merger of high-tech companies in 2002 involved Compaq and (26)

a. IBM.
b. Hewlett-Packard.
c. Dell.
d. Apple.

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_____ 1.38. Molly Ivins points out that the service sector creates jobs but that this employment (27)

a. requires graduate school education.
b. is offered only in rural areas.
c. is threatened by NAFTA.
d. provides low pay.

_____ 1.39. Compared with other states, Texas ranks first in (33)

a. per capita spending on air quality.
b. per capita spending on water quality.
c. water-quality planning.
d. toxic air emissions.

_____ 1.40. The ratio of Texas children living in poverty and the total for number of children in the state is (34)

a. 1 to 5.
b. 1 to 10.
c. 1 to 15.
d. 1 to 20.

D. Multiple-Choice Questions on Readings (with textbook page numbers)

_____ 1.41. Between 1990 and 2000, the population of Texas increased by nearly (41)

a. 4 million.
b. 6 million.
c. 8 million.
d. 12 million.

_____ 1.42. A characteristic of Texas counties currently undergoing tremendous population growth is (42)

a. nearby oil and gas fields.
b. closeness to large cities.
c. numerous farms and ranches.
d. nearness to the Texas-Oklahoma border.

_____ 1.43. A non-immigrant is an alien admitted to the United States for a specific purpose and (45)

a. a fixed wage or salary.
b. residence in a designated state.
c. limited freedom of travel.
d. a limited period of time.

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_____ 1.44. According to data provided by the U.S. Census Burèau and the Bureau of Labor Statistics, the second-ranking country of birth for illegal immigrants to the United States is (47)

a. Canada.
b. El Salvador.
c. Guatemala.
d. Haiti.

E. Completion Questions on Text Material (with textbook page numbers)

1.45. Values are allocated when a state or local government formulates, adopts, and implements a _____ policy. (2)

1.46. Attitudes, habits, and general behavior patterns that shape a state's politics are parts of its _____ culture. (4)

1.47. Daniel Elazar identifies the Lone Star State's politics with distrust of political _____. (5)

1.48. Daniel Elazar insists that the traditionalist influence of the Old _____ lingers in Texas. (6)

1.49. The _____ system of certain areas of South Texas features a protecting political boss. (7)

1.50. Texas's large area and geographic diversity have created strong _____ interests. (7–8)

1.51. Before the _____ War, when slave labor was available, cotton production spread in Texas. (13)

1.52. Texas experienced its first oil boom after the _____ Field was developed near Beaumont in 1901. (13)

1.53. From 1987 to 1989, more Texas financial institutions failed than at any time since the Great _____. (14)

1.54. The U.S. Census Bureau estimated that about 3.3 million Americans were _____ by census takers in 2000. (15)

1.55. Demographer Steven H. Murdock and his associates at Texas A&M University have prepared alternative scenarios for _____ growth in Texas. (16)

1.56. A significant number of _____ immigrants established settlements in the Hill Country west and north of San Antonio before the Civil War. (19)

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1.57. Most of Texas's Asian Americans have immigrated to the United States from _____ Asia. (22)

1.58. In the last two decades, biotechnology-related jobs have increased _____ times faster than the overall increase of employment in Texas. (26)

1.59. Hospitals, nursing homes, hotels, restaurants, bowling alleys, and data processing companies are part of Texas's growing _____ industry. (27)

1.60. Gross income from the products of Texas agriculture amounts to about $_____ billion annually. (28)

1.61. The country that is the largest purchaser of Texas farm and ranch products is _____. (28)

1.62. Today, Mexico has a _____ of about 100 million. (28)

1.63. In the 1990s, the Mexican states of Chiapas, Oaxaca, and Guerrero became the scenes of armed _____. (30)

1.64. Since Texas became part of the Federal Union, the source of many immigration problems has been the border with _____. (30)

1.65. All undocumented aliens must live and work in fear of arrest and _____. (31)

1.66. In 1994, President Bill Clinton appointed former U.S. Representative Barbara Jordan to chair the Commission on _____ Reform. (31)

1.67. Pollution of the Gulf of _____ has resulted in declining catches of fish and shrimp from gulf waters. (33)

1.68. One-_____ of Texas's teachers quit teaching each year. (34)

F. Completion Questions on Readings (with textbook page numbers)

1.69. The official 2000 census underscores the fact that Texas is truly an _____ state. (41)

1.70. According to Steven Murdock, Texas Anglos are settling in the state's _____ while Hispanics and African Americans are settling in its central cities. (44)

1.71. Economic ties between the United States and Mexico have been strengthened by the North American Free _____Agreement. (47)

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1.72. According to Mexican President Vicente Fox, _____ percent of his countrymen living in the United States earn more, collectively, than all of those living in Mexico. (48)

G. Essay Questions (with textbook page numbers)

1. Write an essay entitled "Texas's Political Culture and the Impact of the Frontier Experience." (5–7)
2. Identify and describe Texas's four principal physical regions. (9–11)
3. Describe the importance of cattle, cotton, and oil in the economic development of Texas. (11–14)
4. Describe Texas's principal demographic features, noting population distribution, urbanization, and metropolitanization. (15–18)
5. Identify the five most numerous racial/ethnic groups in Texas, and describe their origins and current geographic distributions. Comment on ways in which recent migration and immigration have affected the sizes of these groups. (18–24)
6. Describe recent developments in Texas agriculture, high technology, biotechnology, services, and trade as the Lone Star State has searched for new economic directions. (24–30)
7. Explain why immigration, water, and environmental protection are important issues in Texas. (30–33)
8. Determine the population density for each of the 12 states in the How Do We Compare boxes at the top of pages 8 and 16 of this chapter. Divide population by area to find the number of people per square mile. Rank the states from the most densely populated to the least densely populated.

III. Applying Your Knowledge

A. Outside Readings and Cartoons

1. From the endnotes for this chapter or from the updated bibliography of selected sources accessible through the Houghton Mifflin Political Science home page (politicalscience.college.hmco.com), choose a magazine or journal article and write a summary of it.
2. From the endnotes for this chapter or from the updated bibliography of selected sources accessible through the Houghton Mifflin Political Science home page (politicalscience.college.hmco.com), choose a book and write a summary of one of its chapters.

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3. In a Texas newspaper, find an editorial that relates to the environment of Texas politics. Summarize that editorial, and explain why you agree or disagree with the writer's point of view.
4. Find a newspaper article concerning the environment of Texas politics. Summarize the article, and describe what you do and/or do not like about this piece of reporting.
5. Interpret one of this chapter's cartoons (or another cartoon concerning the environment of Texas politics), and explain why you agree or disagree with the cartoonist's point of view.
6. Explore two or more of the web sites listed among sources for this chapter. Then select one site and write a brief note outlining how its information contributes to your understanding of the environment of Texas politics.

B. Internet Research Project

Objectives

1. To familiarize students with the information available from the Texas State Data Center.
2. To enhance student awareness of changing demographic patterns in their area as well as statewide.
3. To introduce students to the concept of Uniform Resource Locators (URLs).
4. To introduce students to the use of hyperlinks.

URL. http://txsdc.tamu.edu

Description of the Site. The Texas State Data Center is located in the Department of Rural Sociology at Texas A&M University in College Station. The center's primary responsibility is to improve access to census data by researchers and others. It is part of a network of more than 50 centers across the nation, including Puerto Rico and the Virgin Islands. Center personnel provide annual population estimates on a regional (council of governments), MSA (metropolitan statistical area), county, place, and statewide basis. This information is helpful for budget-planning purposes at all levels of government as well as aiding governments and businesses in projecting service needs and consumer markets.

The center also has a population projection program. Every two to three years, projections are revised to predict the Lone Star State's population trends from 1990 to 2040. These studies anticipate many changes in the demography (or population characteristics) of Texas over the first four decades of the twenty-first century. To support its goals, the center publishes reports, conducts workshops, and maintains electronic data at its web site. For this exercise, you will need to use hyperlinks and scroll to obtain information.

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The internet is a dynamic, ever-changing environment. If any of the links or instructions needs to be adjusted, consult the textbook's web site for updates of this exercise (http://college.hmco.com/polisci/brown/prac_tex_pol/12e/students/index.html).

Use of Information. Following are the instructions for using this web site (http://txsdc.tamu.edu) to complete the exercise.

1. Once at the web site, go to the top of the screen and click on the button Subjects A to Z. Then go to P (Population and Population Change). Locate the title "Population and Population Change 1980–1990 and 1990–2000." Click on the County link.

2. If you are a Texan, select your home county; otherwise, select the county where your college or university is located. The name of your selected county is _____ County. Fill in the population of this county in 1980 (_____), 1990 (_____), and 2000 (_____). The county's percentage of population change from 1980–1990 was _____ percent and from 1990–2000 was _____ percent.

3. Indicate whether the population of your selected county increased or decreased from 1980–1990 (_____) and from 1990–2000 (_____).

4. Go back to Subjects A to Z (Population and Population Change) to obtain statewide data. Open the document Total Population and Components of Population Change in Texas, 1950–2000. Click on the Texas link. Fill in the percentage for population change in Texas from 1990–2000 (_____).
 a. How does your selected county's percentage of population change (1990–2000) compare to that of the state of Texas for the same period?

 b. In Texas, the 1990–2000 population change due to natural increase (births minus deaths) was _____ and due to net migration (persons entering minus persons leaving) was _____.

5. Back out of the document, and use the Home link on the top of the page. Click on the link "Texas counties with corresponding COG, Economic Region, Metropolitan Status, and MSA." Your selected county is _____ County. The name of your Council of Government (COG) is _____.

6. Click on the "Back" icon at the top of the screen to return to the "Home" page. Go to "The Texas Challenge in the Twenty-First Century report and summary" by following the link. Under "Council of Government Regions

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(COGs) Tables," click on "Population for the State of Texas and Council of Government Regions in Texas in 2000 and Projections to 2040. Assuming Alternative Projection Scenarios." Table 2.7 has columns with population data for Anglos, Blacks, Hispanics, and Others.

Find your COG (use the find feature on the Edit button of your browser, or scroll down). There are several tables of population projections. You will be using the first table (SCENARIO 0.0), which assumes a rate of zero net migration into your COG), and the third table (SCENARIO 1.0), which assumes that migration continues at the same rates for all racial and ethnic groups as for the years 1990–2000. Assuming zero net migration (SCENARIO 0.0), the population of your COG in 2040 will be _____.

7. Assuming zero net migration, rank your COG's racial/ethnic groups from largest to smallest in 2040.

8. Assuming migration continues at the same rate as for years 1990–2000 (SCENARIO 1.0), the population of your COG in 2040 will be _____.

9. Assuming migration continues at the same rate for years 1990–2000, rank your COGs racial/ethnic groups from largest to smallest in 2040.

Internet Research Tip. When using the Internet, it is helpful to have the address or URL (the Uniform Resource Locator) of a web site. The URL contains several pieces of information. For the site you have been using, the URL can be explained as follows:

1. The http:// stands for hypertext transfer protocol and identifies this page as a part of the Internet.
2. The txsdc.tamu.edu names the server. In this example, the page is identified as being served by the Texas State Data Center (txsdc) and as a part of Texas A&M University (tamu). The .edu identifies Texas A&M as a U.S. university. This site is not served by the World Wide Web.
3. A URL will never end with a period. If you see a URL with a period at the end, do not use the period. It is only there to punctuate a sentence. Likewise, do not use the left arrow (<) and right arrow (>) or parentheses that may enclose a URL.

You have used hyperlinks to move from one page to another in this exercise. Hyperlinks are clickable icons (pictures) or text in a document that are connected to

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other documents. Typically, if a hyperlink is in text, it will be in a different color from the rest of the text and underlined. As you move the cursor onto the hyperlink, a hand will appear and alert you to the presence of the hyperlink. The URL of the hyperlink will also be displayed at the bottom of your computer screen.

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Answers

True-False: Text

1.1. F
1.2. T
1.3. T
1.4. T
1.5. F
1.6. F
1.7. T
1.8. F
1.9. F
1.10. T
1.11. F
1.12. T
1.13. F
1.14. F
1.15. F
1.16. T
1.17. F
1.18. F
1.19. T

True-False: Readings

1.20. T
1.21. T
1.22. T
1.23. F

Multiple-Choice: Text

1.24. c
1.25. b
1.26. d
1.27. c
1.28. a
1.29. b
1.30. a
1.31. d
1.32. d
1.33. a
1.34. c
1.35. a
1.36. a
1.37. b
1.38. d
1.39. d
1.40. a

Multiple-Choice: Readings

1.41. a
1.42. b
1.43. d
1.44. b

Completion: Text

1.45. public
1.46. political
1.47. parties
1.48. South
1.49. patrón
1.50. regional
1.51. Civil
1.52. Spindletop
1.53. Depression
1.54. missed
1.55. population
1.56. German
1.57. Southeast
1.58. four
1.59. services
1.60. 14
1.61. Mexico
1.62. population
1.63. rebellion
1.64. Mexico
1.65. deportation
1.66. Immigration
1.67. Mexico
1.68. fifth

Completion: Readings

1.69. urban
1.70. suburbs
1.71. Trade
1.72. 9

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CHAPTER TWO

Federalism and the Texas Constitution

I. Preparing to Study

A. Performance Objectives

After studying and reviewing the text and readings in this chapter, you will be able to:

1. Identify provisions of the U.S. Constitution concerning limitations on the states, guarantees to the states, and state powers.
2. Identify provisions of the U.S. Constitution concerning relations among the states.
3. Describe federal-state relations as an evolving process.
4. Describe the historical developments under which each of Texas's state constitutions was written, especially the Constitution of 1876.
5. Trace the steps in the constitutional amendment process from legislative action to gubernatorial proclamation, and describe recent constitutional amendment proposals.
6. List the principal events involved in the unsuccessful constitutional revision efforts in Texas between 1971 and 1975.
7. Summarize important details and provisions of today's Texas Constitution.
8. Describe attempts at constitutional reform through piecemeal constitutional amendments, and address the problem of turnout for voting on proposed constitutional amendments.
9. Suggest provisions that you believe should be included in legislative, executive, and judicial articles for a new Texas Constitution.

B. Overview of the Text (pp. 50-73)

The current Texas Constitution was adopted more than 125 years ago. With many amendments since 1876, it continues to be one major source of the state government's policymaking power. The other major source is membership in the Federal Union.

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The American Federal Structure (pp. 50-55). The American federal system involves a division of powers between the national and state governments. The national supremacy clause of the U.S. Constitution stipulates that state constitutions are subject to the U.S. Constitution and state judges are bound by provisions of that document and by the laws and treaties of the national government. Article IV of the U.S. Constitution includes a list of guarantees to the states (for example, territorial integrity, protection against invasion and rebellion, a republican form of government, and equal representation in the U.S. Senate). Also included in this article are provisions concerning relations among states (such as equal privileges and immunities to be recognized for each other's citizens, full faith and credit to be given to each other's public acts and records, and extradition of fugitives who flee from one state to another).

The men who wrote the U.S. Constitution sought to establish machinery for a workable and enduring balance of powers between the national government in Washington and the state governments. Nevertheless, maintaining the Federal Union is an evolving process. Through grants of money, the national government has induced the states to participate in many of its programs.

The Texas Constitution: Politics of Policymaking (pp. 55-63). Texans have been governed under seven constitutions. The Constitution of Coahuila y Tejas, which became effective in 1828, marked Texas's first experience with a state constitution. Eight years later, Texans declared their independence from Mexico, adopted the Constitution of the Republic of Texas, and voted to join the United States. A new state constitution was written in 1845 and approved by Texas voters in 1846 at the same time that they voted to accept a U.S. congressional invitation to join the Federal Union. Three more state constitutions were adopted during the 1860s, when Texas cast its lot with the Confederate States of America (1861), sought reinstatement in the Federal Union (1866), and conformed to the Reconstruction program of the Radical Republicans (1869).

Drafted in the summer of 1875 and adopted in 1876, the current Texas Constitution reflects the slogan of "retrenchment and reform" that was voiced by its framers. They were determined to undo the Reconstruction policies and create a government with strictly limited power. Because of its restrictiveness and detail, more than 400 amendments have been added.

These numerous amendments have caused the Texas Constitution to become excessively long, badly organized, structurally confusing, and unduly detailed. Although some amendments concern constitutional issues of fundamental importance, others deal with matters that should be resolved by statutory law. As a result, large numbers of qualified voters do not bother to vote on proposed amendments.

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The Amendment Process (pp. 63-64). Proposal of an amendment requires a joint resolution which must be approved by two-thirds of the membership of each house of the Texas Legislature. Adoption is achieved by a simple majority vote by the electorate in a regular or special election.

There have been unsuccessful efforts in the Texas Legislature to propose a constitutional amendment that would authorize initiative and referendum procedures, which are used in 24 other states. The initiative process permits individuals and groups to submit proposed laws and constitutional amendments to a direct popular vote, whereas a referendum allows them to challenge and overturn laws passed by state legislatures.

Constitutional Revision (pp. 64-69). There have been several attempts to revise the Constitution of 1876. The most important effort involved an amendment, adopted in 1972, establishing a six-member study committee. This committee appointed the 37-member Constitutional Revision Commission that produced a draft proposal for a new constitution in which the Bill of Rights would remain unchanged. The proposal was considered in 1974 by the 63rd Legislature, sitting as a constitutional convention. After the convention failed by three votes to approve a proposed constitution, the 64th Legislature submitted a new constitution to Texas voters in the form of eight separate propositions, or amendments. In an election held on November 4, 1975, all of these propositions were rejected by overwhelming majorities. In 1999, Senator Bill Ratliff and Representative Rob Junell introduced their draft of a proposed constitution in the 76th Legislature. It was not given serious consideration, but piecemeal revision by amendment has continued.

The Texas Constitution: A Summary (pp. 69-73). There are 17 articles in the Texas Constitution. Included in Article I, the Bill of Rights, are guarantees of freedom of speech, press, religion, assembly, and petition. These freedoms are also protected by the Bill of Rights of the U.S. Constitution, but the Texas Constitution is more protective of some rights. The three branches of government are the subjects of Article III (legislative), Article IV (executive), and Article V (judicial). Article VI concerns voting and elections. It establishes voter qualifications, provides for voter registration, and governs the conduct of elections. Various articles, including Article IX (counties) and Article XI (municipalities) provide for the structures and powers of units of local government. Special districts are authorized by an amendment added in 1904. The nine remaining articles are titled Education, Taxation and Revenue, Railroads, Private Corporations, Spanish and Mexican Land Titles (text deleted by an amendment), Public Land and Land Office, Impeachment, General Provisions (the longest article, which covers miscellaneous subjects), and Mode of Amendment.

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Looking Ahead (pp. 64–65). Many more constitutional amendments may be expected in the future, unless a new constitution is proposed and adopted. Meanwhile, the organization and powers of state and local governments will continue to be controlled by Texas's much-amended, nineteenth-century constitution.

C. Key Terms (with textbook page numbers)

Tenth Amendment (50)
national supremacy clause (51)
delegated powers (51)
implied powers (51)
Texas v. *White* (51)
constitutional guarantees (52)
privileges and immunities (52)
full faith and credit clause (53)
reserved power (53)
federal grant-in-aid (54)
devolution (54)
block grant (55)
preamble (55)
constitutional history of Texas (57)
Constitution of 1876 (59)
policymaking by constitutional amendment (62)
initiative (64)
referendum (64)
Constitutional Revision Commission (66)
Constitutional Convention of 1974 (66)
Bill of Rights (70)
Texas Equal Rights Amendment (71)
separation of powers (71)
suffrage (72)
local government (72)

D. Overview of the Readings (pp. 68-75)

2.1. "Governor Had to be Poll-Axed" by Kent Biffle (pp. 77-79)

Gubernatorial transitions in Texas have been much less dramatic since the ruckus witnessed in January 1874. After an election, incumbent Governor Edmund J. Davis had to be forced to leave the Capitol. When he stood down after holding out for four days, Davis left his office locked and took the key. Therefore, Governor-elect Coke had to have the door opened with an ax. This stands in sharp contrast to the peaceful transition between the president-elect George W. Bush and his gubernatorial successor, Lieutenant Governor Rick Perry, on December 24, 2000.

2.2. "Of Rutabagas and Redeemers: Rethinking the Texas Constitution of 1876" by Patrick G. Williams (pp. 79-84)

A myth of the Texas Constitutional Convention of 1876 is that the resulting constitution was largely the work of members of the Texas Patrons of Husbandry, informally known as the Grange. The myth continues that these farmers were most interested in a small state government with limited powers. Finally, Grangers have been credited with defeating a proposed poll tax, a tool often used by former Confederate states to disenfranchise African Americans. As the author demonstrates, however,

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the true story of the convention is much more complex. In fact, the Democrats who made up most of the convention were divided along a number of lines, not just into Grange and non-Grange delegations. A more careful examination of historical records is needed to help us demythologize the making of the Constitution of 1876.

2.3. "Hermine Tobolowsky: Mother of Texas's Equal Legal Rights Amendment" by Tai Kreidler (pp. 84-88).

Hermine Tobolowsky deserves much credit for her efforts leading to the addition of the Equal Legal Rights Amendment (ELR) to the Texas Constitution and the enactment of laws meant to ensure gender equality. Tobolowsky, with the active support of the Texas Federation of Business and Professional Women's Clubs (BPW), spent decades overcoming the opposition of Texas legislators to women's equal legal rights. Finally, with bills passed in the 1965 legislative session, adoption of the ELR Amendment by the legislature, and popular approval of this amendment at the polls in 1972, Tobolowsky saw the realization of many of her goals of gender equality in Texas.

II. Testing Your Knowledge

A. True-False Questions on Text Material (with textbook page numbers)

_____ 2.1. American federalism has been described by North Carolina's former governor Terry Sanford as "a system of states within a state." (50)

_____ 2.2. The Tenth Amendment to the U.S. Constitution refers to powers reserved to the states. (50)

_____ 2.3. The framers of the U.S. Constitution intended to create a governmental system whereby the states could dominate the national government. (51)

_____ 2.4. If the government of the state of Texas were to deny an African-American citizen the right to vote on the basis of race, that act would violate the U.S. Constitution. (51)

_____ 2.5. Within the U.S. constitutional system, the reserved powers of the states are clearly defined. (53)

_____ 2.6. The Civil War pitted the North against the South in a struggle to settle the issue of states' rights versus national supremacy regarding slavery. (54)

_____ 2.7. Policymaking by the states has not been influenced by grants of money from the U.S. government. (54)

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_____ 2.8. Political scientists and legal scholars generally believe that constitution makers should not try to solve policy problems but should establish clearly the process for solving them. (55)

_____ 2.9. Texas's seventh constitution has been amended more than 400 times. (55)

_____ 2.10. The Texas Constitutions of 1861, 1866, and 1869 were necessitated by the Civil War and Reconstruction. (58)

_____ 2.11. When adopted in 1876, the Texas Constitution required voter registration. (60)

_____ 2.12. The Texas Constitution of 1876 is famed for its brevity and logical organization. (61)

_____ 2.13. Statutory detail in the Texas Constitution of 1876 has led to many constitutional amendments. (61)

_____ 2.14. During the Texas constitutional convention of 1974, Governor Dolph Briscoe intervened aggressively for the purpose of supporting needed constitutional reform. (66)

_____ 2.15. The Texas constitutional convention of 1974 failed to adopt a draft constitution for submission to the state's voters. (66)

_____ 2.16. In 1975, the Texas Legislature proposed a constitutional revision resolution composed of ten articles in eight sections. (66)

_____ 2.17. Less than 25 percent of Texas's registered voters participated in the special election that rejected the constitution proposed in 1975. (67)

_____ 2.18. In 1999, Senator Bill Ratliff and Representative Rob Junell introduced a draft constitution for consideration by the 76th Legislature. (67)

_____ 2.19. With regard to all rights, the Texas Constitution is less protective than the U.S. Constitution. (70)

_____ 2.20. The U.S. Congress, the U.S. Supreme Court, and amendments to the U.S. Constitution have diminished state governmental power over the conduct of elections. (72)

B. True-False Questions on Readings (with textbook page numbers)

_____ 2.21. When Texas Governor Edmund Jackson Davis lost his bid for reelection, his first reaction was to give up his office. (77)

_____ 2.22. Before the governorship passed from George W. Bush to Rick Perry, Texas was without a governor for less than a day. (77)

_____ 2.23. The "Rutabagas" were constitutional convention delegates who proclaimed their membership in the Ku Klux Klan. (80)

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_____ 2.24. According to historian Patrick G. Williams, the Granger delegates to the constitutional convention of 1875 always voted as a bloc. (81)

_____ 2.25. Hermine Tobolowsky is considered as the "mother" of the Texas Equal Legal Rights Amendment (84)

_____ 2.26. The Texas Federation of Business and Professional Women's Clubs opposed adoption of the Texas Equal Legal Rights Amendment. (85)

C. Multiple-Choice Questions on Text Material (with textbook page numbers)

_____ 2.27. Under the U.S. Constitution, the national government's authority to regulate interstate and foreign commerce, to coin money, and to declare war are examples of (51)

a. implied powers.
b. inherent powers.
c. delegated powers.
d. reserved powers.

_____ 2.28. Rights of Texans to enter and leave Oklahoma, to sue in the courts of Oklahoma, and to own property in Oklahoma are guaranteed by the U.S. Supreme Court's interpretation of the U.S. Constitution's provisions concerning (52)

a. natural law.
b. interstate commerce.
c. suffrage.
d. privileges and immunities.

_____ 2.29. Police powers, taxing powers, and power of eminent domain are examples of the states' (53)

a. reserved powers.
b. implied powers.
c. inherent powers.
d. enumerated powers.

_____ 2.30. When it went into effect in 1876, the Texas Constitution had about (55)

a. 28,600 words.
b. 50,500 words.
c. 63,000 words.
d. 110,000 words.

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_____ 2.31. Many of the constitutional convention delegates elected in 1875 were members of the Texas Grange, which was (59)

a. representative of Texas's urban population.
b. supportive of the policies of the Davis administration.
c. representative of big-business interests.
d. committed to the cause of economy and limited government.

_____ 2.32. Over the last century, most amendments to the Texas Constitution have dealt with policy issues that should have been resolved by (61)

a. executive orders issued by the governor.
b. the legislature.
c. litigation in state courts.
d. opinions of the U.S. Supreme Court.

_____ 2.33. The Texas Constitution establishes an amendment process that features actions (63)

a. first by the governor and then by the Supreme Court of Texas.
b. first by the House of Representatives and then by the Senate.
c. first by the Legislature and then by the voters.
d. by the Legislature in two successive regular sessions.

_____ 2.34. In 1971, the 62nd Texas Legislature began the constitutional revision process by proposing an amendment authorizing a convention composed of (64)

a. members of the 63rd Legislature.
b. delegates chosen by the voters in a special election.
c. members of the Constitutional Revision Commission.
d. members of the 62nd Legislature and all of Texas's representatives and senators serving in the U.S. Congress.

_____ 2.35. The function of the Constitutional Revision Commission was to (66)

a. revise the constitution proposed by the Texas Legislature.
b. propose amendments to the Constitution of 1876.
c. prepare a draft constitution for submission to the Texas Legislature.
d. publicize the constitution proposed by the legislative constitutional convention.

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_____ 2.36. The constitutional document submitted to Texas voters in November 1975 (66)

a. was composed 10 articles in eight separate propositions or sections.
b. differed very little from the Constitution of 1876.
c. required voters to cast a single vote for approval or rejection of the document.
d. contained 26 articles.

_____ 2.37. Originally included in the constitutional revision package submitted to Texas voters in 1975 and adopted in 1979 as a constitutional amendment is the authorization allowing (68)

a. restricted gubernatorial removal power over appointed statewide officials.
b. execution of convicted murderers by hanging.
c. reduction of the number of counties.
d. adoption of the Missouri Plan for selecting state judges.

_____ 2.38. The first article of the Texas Constitution concerns (70)

a. voting qualifications and the administration of elections.
b. organization and functions of political parties.
c. organization and powers of the executive branch.
d. protections for people and property against arbitrary governmental actions.

D. Multiple-Choice Questions on Readings (with textbook page numbers)

_____ 2.39. Governor E. J. Davis lost his bid for reelection to (77)

a. Rick Perry.
b. George W. Bush.
c. Richard Coke.
d. Sam Houston.

_____ 2.40. Governor E. J. Davis claimed that the results of the election of 1873 were invalid because of a controversial (77-78)

a. semicolon.
b. colon.
c. comma.
d. period.

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_____ 2.41. More than 40 percent of the delegates to the Texas constitutional convention of 1876 were members of the (81)

a. Anglican Church.
b. Patrons of Husbandry.
c. Texas Rangers.
d. Republican Party.

_____ 2.42. What statement best describes the convention delegates who voted to prohibit inclusion of a poll tax in the Texas Constitution of 1876? (82)

a. They came from majority white counties that voted solidly Democratic.
b. They were long-time members of the Grange.
c. They were African Americans.
d. They had fought in the ranks of the Union Army during the Civil War.

_____ 2.43. Hermine Tobolowsky was a (85)

a. lawyer.
b. rancher.
c. teacher.
d. nurse.

_____ 2.44. In November 1972, supporters of the Texas Equal Legal Rights Amendment outvoted their opponents by a ratio of nearly (88)

a. 14 to 1.
b. 10 to 1.
c. 4 to 1.
d. 2 to 1.

E. Completion Questions on Text Material (with textbook page numbers)

2.45. Under the U.S. Constitution, the national government's _____ powers are most clearly linked to the "necessary and proper" clause of Article 1. (51)

2.46. Among the members of Congress representing Texas, a total of _____ are members of the U.S. Senate. (52)

2.47. Persons from Texas who are visiting in another state are entitled to all of the privileges and _____ to which citizens of that state are entitled. (52)

2.48. Under the extradition provision of the U.S. Constitution, a person committing a crime in Texas before fleeing to Oklahoma should be _____ to Texas authorities if requested by the governor of Texas. (53)

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2.49. In response to the Great Depression of the 1930s, Congress increased financial assistance to the states through federal _____ programs. (54)

2.50. In 1836, the Republic of Texas was created after a declaration of independence from _____. (57)

2.51. Under the Texas Constitution of 1869, the Radical Republicans gained control of the legislature and elected E. J. Davis as _____. (58)

2.52. When the Constitution of 1876 was put to a vote, Texans in the state's largest cities tended to vote _____ it. (60)

2.53. A constitutional amendment adopted in 1999 authorizes garnishment of _____ for support of an ex-spouse as ordered by a court. (61)

2.54. A proposed amendment to the Texas Constitution must be approved by at least 21 senators and _____ representatives in the state legislature. (63)

2.55. Official newspaper publicity for a proposed amendment to the Texas Constitution involves publication of a short _____ statement describing the amendment. (63)

2.56. Entitled "Suffrage," Article VI of the Texas Constitution establishes _____ for voters. (72)

2.57. In its original form, the only type of special district mentioned in the Texas Constitution was the _____ district. (73)

2.58. The text of Article XIII, Spanish and Mexican Land Titles, was _____ by amendment in 1969. (73)

2.59. Article XVI, the longest article in the Texas Constitution, is titled _____ Provisions. (73)

F. Completion Questions on Readings (with textbook page numbers)

2.60. In the gubernatorial election of 1873, E. J. Davis's opponent outpolled him by a ratio of ____ to 1. (77)

2.61. In an unsuccessful effort to hold onto his office, Texas governor E. J. Davis sought help from Ulysses S. Grant, _____ of the United States. (78)

2.62. The nickname Rutabaga was given to the constitutional convention delegate from Collin County named John _____. (79)

2.63. Framers of the Texas Constitution of 1876 prohibited the state from spending money to promote immigration or construction of _____. (80)

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2.64. In her Equal Legal Rights work, Hermine Tobolowsky benefitted from Hyman _____'s connections with the Retail Merchants Association. (86)

2.65. Senator Wardlaw Lane, an opponent of Equal Legal Rights who had made a remark about "_____ little women," was defeated in his bid for reelection in 1962. (86)

G. Essay Questions (with textbook page numbers)

1. Write an essay entitled "Distribution of Powers Between the Federal and State Governments Under Provisions of the U.S. Constitution." (50-52)
2. Write an essay entitled "Interstate Relations, State Immunity, and State Powers." (52-54)
3. Write an essay describing the circumstances under which Texas's first three constitutions were obtained in 1827, 1836 and 1845; and point out significant features of these constitutions. (57-58)
4. Explain how the experiences of Texans during the Civil War and the era of Radical Reconstruction influenced some of the original provisions of the Constitution of 1876. (58-60)
5. Write an essay in which you describe the procedure whereby an amendment to the Texas Constitution is proposed, publicized, and adopted or rejected by the voters; and comment on the numbers of amendments proposed and adopted since 1879. (63-65)
6. Write an essay on "Texas's Unsuccessful Constitutional Revision Efforts in the 1970s and Revision Proposals in the 1990s." (64-68)
7. Some Texans prefer to maintain their state constitution with few or no changes; others favor piecemeal revision through the amendment process; and others want a new constitution written by legislators or delegates elected to form a constitutional convention. Explain which course of action you would prefer and why. (67-69)
8. Summarize the principal provisions of the Texas Constitution concerning rights of the people, powers of government, suffrage, and local governments. (70–73)
9. Rank the 12 states in the How Do We Compare box at the top of page 56 in this chapter in descending order according to year of adoption; also rank these states in descending order according to approximate number of words. Is there an apparent relationship between these rankings.
10. Rank the 12 states in the How Do We Compare box at the bottom of page 62 in this chapter in descending order according to number of amendments since adoption of the current constitution; also rank these states in descending order according to average number of amendments per year through 2001. Is there

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an apparent relationship between these rankings or with rankings according to approximate number of words?

III. Applying Your Knowledge

A. Outside Readings and Cartoons

1. From the endnotes for this chapter or from the updated bibliography of selected sources accessible through the Houghton Mifflin Political Science home page (politicalscience.college.hmco.com), choose a magazine or journal article and write a summary of it.
2. From the endnotes for this chapter or from the updated bibliography of selected sources accessible through the Houghton Mifflin Political Science home page (politicalscience.college.hmco.com), choose a book and write a summary of one of its chapters.
3. In a Texas newspaper, find an editorial that relates to American federalism or the Texas Constitution. Summarize that editorial, and explain why you agree or disagree with the writer's point of view.
4. Find a newspaper article concerning American federalism or the Texas Constitution. Summarize the article and describe what you do and/or do not like about this piece of reporting.
5. Interpret one of this chapter's cartoons (or another cartoon concerning American federalism or the Texas Constitution), and explain why you agree or disagree with the cartoonist's point of view.
6. Explore two or more of the web sites listed among sources for this chapter. Then select one site and write a brief note outlining how its information contributes to your understanding of federalism and/or the Texas Constitution.

B. Internet Research Project

Objectives

1. To increase student understanding of the purposes of the Texas Legislative Reference Library.
2. To familiarize students with amendments to the Texas Constitution.
3. To develop an understanding of home pages.

URL. http://www.lrl.state.tx.us

Description of the Site. This site is maintained by the Legislative Reference Library. Established in 1969, the library is an agency of the Texas Legislature. It serves as a reference and research resource for legislators and their staff members, state agency personnel, and the general public. Materials available at the library in-

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clude books and periodicals related to issues in which legislators are interested, documents from state legislative sessions (such as the daily journals and copies of all printed bills and resolutions), and minutes of all state agency meetings. The library also provides a newspaper clipping service that is used by the authors of Practicing Texas Politics and other researchers.

In addition, the library's web site provides information on bills and resolutions introduced in legislative sessions since 1995, information for conducting research on legislation, and a reference desk with links to many resources. There is also a data base with information concerning proposed amendments to the Texas Constitution from 1876 through the most current legislative session.

The internet is a dynamic, ever-changing environment. If any of the links and instructions need to be adjusted, please consult the textbook's web site for updates of this exercise (http://college.hmco.com/polisci/brown/prac_tex_pol/12e/students/index.html).

Use of Information. Following are the instructions for using the web site of the Legislative Reference Library (http://www.lrl.state.tx.us).

1. Under "Legislative Information," click on the hypertext "Constitutional amendments."

2. Select Legislative Session: 53—R.S. (1953); Article: Any; Adopted. Then click on "View Amendments."
 a. What bill (in this case a House joint resolution) required women to serve on juries? HJR _____
 b. Click on "Details" for that bill. Then, under "Articles affected," click on the number to the right of "Article 16: Amends." What does the word "men" in the Texas Constitution mean when used in reference to grand or petit juries?

3. Back up to the Constitutional Amendments—Search page. Select Legislative Session: 62—R.S. (1971); Article: Any; Adopted. Click on "View Amendments."
 a. What is the number of the Senate joint resolution proposing equal rights for women? SJR _____
 b. What is the proposition number for listing equal rights for women on the ballot? Prop. _____

4. Click on "Details" of SJR 16, Proposition 7, Equal Rights for Women. Under "Articles affected," click on the number to the right of "Article 1: Adds." Then click on the number next to "Articles Affected." As a result of this amendment to the State Constitution, Texas Laws cannot discriminate against individuals for what five reasons? (1) _____, (2) _____, (3) _____, (4) _____, and (5) _____.

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5. Go back to "Details" for SJR 16, Proposition 7, Equal Rights for Women. Under "Proposition" obtain the following data: (a) election date (_____), (b) number of votes for adoption (_____), (c) number of votes against adoption (_____).

6. Return to the Constitutional Amendments—Search page. Select Legislative Session: 20—R.S. (1887); Article: Any; Either. Click on View Amendments.
 a. How many amendments were proposed?

 b. How many amendments were adopted?

7. Return to the Constitutional Amendments—Search page. Select Legislative Session: 77—R.S. (2001); Article: Any; Either. Click on View Amendments.
 a. How many amendments were proposed?

 b. How many amendments were adopted?

8. Return to the Constitutional Amendments—Search page. Select Legislative Session: 78—R.S. (2003); Article: Any; Either. Click on View Amendments.
 a. How many amendments were proposed?

 b. How many amendments were adopted?

Internet Research Tip. The first web page of a site is called the home page. If you fail to include the URL for a specific page, the web server most often accesses the site's home page. It contains links to other sites maintained by the web server. As you connect to other pages within the web site, notice that the URL expands to provide the address for the specific web page you are viewing.

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Answers

True-False: Text

2.1. T
2.2. T
2.3. F
2.4. T
2.5. F
2.6. T
2.7. F
2.8. T
2.9. T
2.10. T
2.11. F
2.12. F
2.13. T
2.14. F
2.15. T
2.16. T
2.17. T
2.18. T
2.19. F
2.20. T

True-False: Readings

2.21. F
2.22. T
2.23. F
2.24. F
2.25. T
2.26. F

Multiple-Choice: Text

2.27. c
2.28. d
2.29. a
2.30. a
2.31. d
2.32. b
2.33. c
2.34. a
2.35. c
2.36. a
2.37. a
2.38. d

Multiple-Choice: Readings

2.39. c
2.40. a
2.41. b
2.42. a
2.43. a
2.44. c

Completion: Text

2.45. implied
2.46. two
2.47. immunities
2.48. returned
2.49. grant-in-aid
2.50. Mexico
2.51. governor
2.52. against
2.53. wages
2.54. 100
2.55. explanatory
2.56. qualifications
2.57. school
2.58. deleted
2.59. General

Completion: Readings

2.60. 2
2.61. President
2.62. Johnson
2.63. railroads
2.64. Tobolowsky
2.65. stupid

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CHAPTER THREE

Local Governments

I. Preparing to Study

A. Performance Objectives

After studying and reviewing the text and readings in this chapter, you will be able to:

1. Explain the differences between general-law cities and home-rule cities in Texas.
2. Compare the structures of the principal forms of municipal government operating in Texas.
3. Explain the difference between the at-large system and single-member districts for electing council members in Texas cities.
4. List typical public services provided by municipalities in Texas.
5. Describe the sources of revenue for Texas municipalities and illustrate typical expenditures.
6. Describe the structure of and operation of county government, noting the powers and functions of elected county officers.
7. Describe the sources of revenue for Texas counties, and illustrate typical expenditures.
8. Identify two basic problems that underlie reform of county government, and note special problems of the 40 counties on or near the Mexican border.
9. Outline the principal characteristics of independent school districts, junior or community college districts, and noneducation special districts.
10. Summarize the means whereby some of the problems of Texas's metropolitan areas have been addressed.

B. Overview of the Text (pp. 90–119)

An understanding of grassroots politics is necessary if citizens are to influence policymaking designed to address problems of inner cities, suburbs, or rural areas.

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Overview of Grassroots Problems (pp. 90–91). Texas's cities, counties, and special districts must deal with a wide range of issues. Included are the problems of violent crime, narcotics addiction, the AIDS epidemic, decaying roads and bridges, dysfunctional schools, and related environmental and water supply issues like those of the Edwards Aquifer. Consequently, policies made by the governing bodies of local governments affect all citizens. Some Texans become directly involved in local politics by running for city, county, or special-district offices; others limit their participation to voting. But many apathetic citizens do not vote, so they miss important opportunities to influence policymaking in city halls, county courthouses, and special-district offices.

Municipal Governments (pp. 91–103). Texas municipalities are chartered as general-law cities or home-rule cities. A municipality of the latter type must have a population of 5,000 or more at the time its voters choose to become a home-rule city and adopt a charter.

The cities of Texas are organized according to one of the following models: strong mayor-council, weak mayor-council, council-manager, or commission. Each of these forms of municipal corporation includes a popularly elected policymaking body, usually called the city council.

In recent years, municipal politics in Texas has featured rising expectations of African Americans and Latinos for equal representation in city councils. Some of the state's largest cities have implemented single-member district plans for electing all council members, whereas Houston has adopted a plan that combines single-member and at-large election systems. Austin has an electoral system whereby each candidate for the city council files for a place. Council members are then elected on an at-large basis with all voters voting in each place contest. More than 40 Texas cities now use a cumulative voting system that enhances election opportunities for Latinos and African Americans.

Typical concerns of municipal governments include traffic safety, consumer affairs, pollution control, tree preservation, city planning, building safety, annexation of territory, and zoning restrictions. Appointed advisory bodies assist departments in implementing policies. Nevertheless, controversies arise when some services are cut or when new services are added.

Texas cities raise revenue from general property taxes, sales taxes, franchise fees paid by public utilities, licenses for the sale of alcoholic beverages, building and plumbing permits, and money collected by municipal courts in the form of court costs, fines, and forfeitures. Some cities profit from operating water, electric, and gas utilities. Since 2001, cities may ask voters every four years to approve a quarter-cent sales tax (up to a total of 1 per cent) for services or projects such as mass transit, economic development, public safety, and street maintenance. When revenue does not cover expenses, cities borrow money by selling general obligation

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bonds (redeemed out of a city's property tax revenue) or revenue bonds (redeemed out of revenues from the property or activity financed by the bond sale). Both federal and state governments grant some financial aid to municipalities and other local governmental units. Generally, appropriations by state and federal governments are shrinking as sources for municipal revenue, especially for economic development. Thus, cities must opt for innovative ways to raise revenue for stimulating their local economies.

Counties (pp. 103–112). Texas has 254 counties, but all counties have essentially the same governmental structure. The principal policymaking organ of county government is the county commissioners court. It is a body composed of the county judge and four commissioners elected for four-year terms to represent precincts of approximately equal population. Presided over by the county judge, the commissioners court adopts the county budget, sets the property tax rate, draws boundaries for election precincts, supervises the conduct of elections, and directs the construction and maintenance of county roads and bridges. Major administrative responsibility at the county level is vested in the county judge, who is elected for a term of four years. The county sheriff, attorney, clerk, tax assessor-collector, and treasurer are also elected for four-year terms.

Texas counties rely heavily on property taxes for revenue. They also benefit from fees for alcoholic beverage permits, and they share the state motor fuel tax and motor vehicle registration and certificate-of-title fees. Federal grants-in-aid and borrowing through the sale of bonds provide additional county revenues.

Spending patterns vary from county to county, but maintenance of roads and bridges requires the greatest expenditures by rural counties. Because Texas counties do not have home-rule status, the organization of county governments is dictated by constitutional provisions that are not easily changed. Servicing residents of colonias in the 40 counties on or near the Mexican border presents special problems for county governments.

Special Districts (pp. 112–116). Texas's special districts fall into two basic categories: school districts and noneducation special districts. Special districts are classified as units of government because they have an organized existence, a governmental character, and substantial independence from other units of government.

More than 1,000 independent school districts administer the public schools of Texas. Each independent school district is supervised by a popularly elected board of trustees. Board members set personnel policy, determine wage and salary schedules, provide for building construction and maintenance, select textbooks, and set the property tax rate for the district.

Junior or community college districts provide two-year academic programs beyond high school, along with various technical and vocational programs. Al-

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though they receive federal and state funds, these institutions of higher education are partially financed by local property taxes and by tuition and fees paid by students. Each junior or community college district is governed by a popularly elected board that sets the tax rate, issues bonds (subject to voter approval), and adopts an annual budget.

Noneducation special districts in Texas include more than 1,000 water or utility districts and hundreds of housing authorities, water conservation districts, and hospital districts. Mass transit authorities (like Houston's Metro and Dallas's DART) serve seven of the state's largest metropolitan areas.

Metropolitan Areas (pp. 116–118). The problems of local governments in Texas's big-city areas are especially troublesome because of the large number of citizens directly affected. Nevertheless, grassroots governments face challenges everywhere in the Lone Star State. Because of the relatively large number of Texas counties, the proliferation of special districts, and the incorporation of new municipalities, 24 councils of governments (COGs) have been created to promote regional planning and cooperation among units of local government. Despite the fears of some critics who believe that COGs may lead to metro governments, guidelines for federal grants have stimulated the development of these regional councils. Aside from COG services, annexation of adjacent territory is the main device whereby individual cities attempt to deal with metropolitan problems.

Looking Ahead (pp. 118–119). More citizen participation and development of a sense of community are needed to improve the functioning of Texas's cities, counties, and special districts. The problems of central cities are especially critical. Whether newly empowered African-American and Latino voters will make a difference remains to be seen.

C. Key Terms (with textbook page numbers)

municipal government (91)
general-law city (92)
home-rule city (92)
ordinance (92)
strong mayor-council form (93)
weak mayor-council form (93)
commission form (96)
council-manager form (96)
term limits (98)
nonpartisan election (98)
at-large district (98)
single-member district (98)
cumulative voting (98)
place system (99)
municipal bond (103)
economic development (103)
tax reinvestment zone (TRZ) (103)
tax abatement (103)
tax increment financing (TIF) (103)
county (103)
commissioners court (104)
Avery v. *Midland County* (104)

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county judge (107)
county attorney (108)
county sheriff (108)
county clerk (108)
county tax assessor-collector (108)
county tax appraisal district (108)
county treasurer (109)
county auditor (109)
county surveyor (109)
bond (110)
colonia (111)
independent school district (ISD) (112)
junior college or community college district (113)
noneducation special district (115)
council of governments (COG) (116)
metro government (118)

D. Overview of the Readings (pp. 111–120)

3.1. "Accentuating the Positive: How Laura Miller Was Elected Mayor of Dallas with a 'Small Things' Agenda of Change" by Mary Clare Jalonick (pp. 122–125)

On 19 January 2002, Laura Miller finished first in an electoral contest to select a successor to Dallas mayor Ron Kirk. But with only 48.8 percent of the vote, this Dallas city council member and former reporter for the alternative news-weekly *Dallas Observer* fell short of the absolute majority required to capture that office in the first round. A month later, however, she defeated runner-up candidate Tom Dunning, a Dallas businessman and chair of the Dallas/Fort Worth Airport board. Although outspent by Dunning, Miller focused on a need for change in City Hall and "little things" that included parks, roads, swimming pools, and safe neighborhoods. With strong communication skills and a positive message, she tapped into a popular feeling of discontent and won the support of 55 percent of Dallas voters in the February runoff.

3.2. "'Extreme' Term Limits—San Antonio Style" by Alexander E. Briseno (pp. 126–130)

After San Antonio's city council passed a string of unpopular measures in the 1980s, a taxpayers "watchdog" group successfully petitioned for votes on a property-tax rollback, construction of the Applewhite Reservoir, and term limits for members of the city council. One result was a city charter amendment limiting to two the number of terms that the mayor and council members can serve. Alexander Briseno contends that such "extreme" term limits undermine newly elected officials' ability to move through the political cycle: learning, adapting, executing, campaigning, and completing projects. This restriction produces successive groups of new council members who need time to "get up to speed" on the voluminous work of city government. Further, he notes that term limits reduce the pool of political talent available for filling elective offices in San Antonio. As a remedy, Bris-

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eno suggests introducing longer terms of office or modifying the term limits now in place.

3.3. "Bottoms Up" by Cecilia Ball (pp. 130–134)

While some observers in Brownsville see the upscale Paseo de la Resaca development as proof of the potential for change along the U.S.-Mexican border, Cecilia Balli points to Cameron Park as a better example of what is possible. Originally, this colonia was an unincorporated area lacking basic services for the impoverished residents who were paying for small plots of land and building their homes piecemeal without professional help. Today, Cameron Park is identified as the poorest place in the United States, based on median income for towns with more than a thousand households. Nevertheless, the colonia's activists have secured assistance from Brownsville, Cameron County, state agencies, the federal government, and private organizations to obtain more social services and better housing. In large part, their success is the result of the residents' own efforts, along with help from local churches and Valley Interfaith, which is a grassroots community group dedicated to improving the quality of life for poor people along the Rio Grande.

II. Testing Your Knowledge

A. True-False Questions on Text Material (with textbook page numbers)

_____ 3.1. It is common to find 90 percent or more of a community's qualified voters participating in a local election. (91)

_____ 3.2. In Texas, a substantial change in the size of a city's population automatically changes its incorporation status. (92)

_____ 3.3. Citizens draft and adopt city charters that establish powers of municipal officers and spell out procedures for passing ordinances. (92)

_____ 3.4. The council-manager form of city government is used in the ten largest cities the United States. (93)

_____ 3.5. The city council of a weak-mayor city may override the mayor's veto. (93)

_____ 3.6. The commission form of city government features a single all-powerful executive official. (96)

_____ 3.7. Among home-rule cities in Texas, the most popular form of government is the council-manager form. (96)

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_____ 3.8. Most cities have appointed boards and commissions that work in an advisory capacity with municipal departments that implement ordinances. (100)

_____ 3.9. The general property tax is the only tax Texas cities are allowed to levy. (101)

_____ 3.10. Texas municipalities may levy fees for issuing beer and liquor licenses. (101)

_____ 3.11. The Texas Constitution prohibits municipalities from making profits on city-owned gas and electric utility systems. (102)

_____ 3.12. Revenue bonds are redeemed out of revenue from the property or activities financed by sale of the bonds. (102)

_____ 3.13. Under Texas law, a municipality may reduce the tax burden on homeowners by granting a homestead exemption. (102)

_____ 3.14. Municipalities may create tax reinvestment zones (TRZs) through temporary tax abatement. (103)

_____ 3.15. Each Texas county has approximately the same number of people. (104)

_____ 3.16. Policymaking in Texas county government is performed mainly by a body called the commissioners court. (104)

_____ 3.17. As mandated by the U.S. Supreme Court, each Texas county must be divided into commissioner precincts of substantially equal population. (104)

_____ 3.18. The county judge presides over meetings of the commissioners court in Texas counties. (107)

_____ 3.19. In the 2002 general election, Bexar County was the last county in the country to count its votes because of a complicated two-page ballot. (108)

_____ 3.20. After George W. Bush was elected president of the United States, the property taxes on his ranch near Crawford were reduced to less than $100. (109)

_____ 3.21. Under terms of the Texas Constitution, county governments have complete control over their spending. (111)

_____ 3.22. Texas's public junior or community colleges enroll more than 70 percent of the state's freshmen and sophomores. (113)

_____ 3.23. Special districts may be created to provide public services that cannot be undertaken by Texas municipalities and counties because of state constitutional restrictions. (115)

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B. True-False Questions on Readings (with textbook page numbers)

_____ 3.24. As a member of the Dallas city council, Laura Miller antagonized the mayor and many of the city's powerful leaders. (123)

_____ 3.25. Tom Dunning, Laura Miller's strongest opponent in Dallas's 2002 mayoral election, was backed by business leaders in north Dallas and African-American voters in south Dallas. (124)

_____ 3.26. Contributing to instigation of term limits in San Antonio were city budgets that reduced service levels while raising the property tax rate. (126)

_____ 3.27. Reelection campaigns for San Antonio's city council members seldom last longer than one month. (128)

_____ 3.28. A typical colonia along the Texas-Mexico border is an unincorporated neighborhood lacking paved streets, water and electricity hookups, and sewer lines. (131)

_____ 3.29. In Cameron Park, as in all colonias along the Rio Grande, the least important need is housing. (134)

C. Multiple-Choice Questions on Text Material (with textbook page numbers)

_____ 3.30. The authors of *Practicing Texas Politics* use the term grassroots to describe (90)

a. the national government.
b. regional governments.
c. state governments.
d. governments of cities, counties, and special districts.

_____ 3.31. Municipalities in Texas are classified as home-rule cities and (92)

a. statutory-law cities.
b. constitutional-law cities.
c. general-law cities.
d. local-option cities.

_____ 3.32. In a home-rule city, a citizen-drafted measure may be initiated by a certain number of qualified voters; and, if approved in a referendum vote, it will become a local law known as a(n) (92)

a. ordinance.
b. statute.
c. amendment.
d. proposition.

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_____ 3.33. A mayor with power to appoint and remove department heads, to prepare and execute a budget, and to veto actions of the city's principal policymaking body would be serving in a city with a (93)

a. strong mayor-council form of government.
b. weak mayor-council form of government.
c. council-manager form of government.
d. commission form of government.

_____ 3.34. Once a policy is made, the city manager's office directs an appropriate department to (96)

a. endorse it.
b. implement it.
c. adjudicate it.
d. deliberate it.

_____ 3.35. When each voter in a municipal election casts a single vote for a council candidate seeking to represent the part of the city where the voter lives, that city has been divided into (98)

a. single-member districts.
b. flotorial districts.
c. nonpartisan districts.
d. home-rule districts.

_____ 3.36. Where the place system is used for electing members of the city council, a voter's maximum authorized voting activity involves voting for (99)

a. a single candidate residing in the voter's district.
b. all candidates on the ballot.
c. all candidates nominated by the voter's party.
d. one candidate for each numerically designated place.

_____ 3.37. Use of single-member districts for electing city council members in major cities tends to make municipal government more responsive to the residents of (100)

a. adjoining suburbs.
b. nearby colonias.
c. the central city.
d. affluent neighborhoods.

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_____ 3.38. Among Texas's 10 largest municipalities, the only one that does not have zoning power is (100)

a. Dallas.
b. El Paso.
c. Houston.
d. San Antonio.

_____ 3.39. Texas municipalities are authorized to levy (101)

a. a personal income tax.
b. a tax on corporate income.
c. a general property tax.
d. a tariff on foreign-manufactured goods.

_____ 3.40. A fee based on the gross receipts of public utilities such as telephone companies is called (101)

a. a user fee.
b. an excise fee.
c. a communication fee.
d. a franchise fee.

_____ 3.41. A municipality would be most likely to issue revenue bonds to raise money for (102)

a. paying salaries to police officers.
b. constructing a fire station.
c. constructing a money-making power plant for a city-operated electric utility.
d. renting office space for city welfare personnel.

_____ 3.42. Texas cities may issue bonds, provided they assess taxes and collect sufficient revenue to pay the interest and retire the principal without (102)

a. alienating citizens.
b. offending the business community.
c. creating a budget surplus.
d. exceeding legal tax limits.

_____ 3.43. Tax reinvestment zones (TRZs) are established by cities in order to (103)

a. suppress crime.
b. divert surplus revenue.
c. equalize the tax burden among consumers.
d. attract new businesses to blighted areas.

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_____ 3.44. According to the Texas Constitution, the county is (103)

a. a creature of the federal government.
b. a sovereign, independent political entity.
c. a private corporation.
d. an administrative arm of the state.

_____ 3.45. Presiding at meetings of the county commissioners court is the county (104)

a. sheriff.
b. judge.
c. attorney.
d. clerk.

_____ 3.46. Each Texas county is divided into four county commissioner (104)

a. wards.
b. parishes.
c. precincts.
d. stakes.

_____ 3.47. The county tax assessor-collector (108)

a. appraises all real estate in the county for taxation by all taxing authorities in the county.
b. collects license fees for motor vehicles.
c. appraises all real estate in the county for taxation by the county government only.
d. collects a state poll tax.

_____ 3.48. Although prescribed by the Texas Constitution, most counties do not fill the elective office of county (109)

a. scalper.
b. hunter.
c. ranger.
d. surveyor.

_____ 3.49. In most of Texas's rural counties, the budget item requiring the largest expenditures is that for (110)

a. roads and bridges.
b. parks and recreation.
c. welfare.
d. law enforcement.

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_____ 3.50. Subject to voter approval, the board for a Texas junior or community college district (113)

a. adopts textbooks.
b. sets property tax rates.
c. adopts an annual budget.
d. issues bonds.

_____ 3.51. Among Texas's noneducation special districts, the largest number are classified as (115)

a. hospital districts.
b. soil and water conservation districts.
c. housing authorities.
d. water or utility districts.

_____ 3.52. Ringing Texas's large cities are rapidly growing (116)

a. farming operations.
b. ranching operations.
c. suburban communities.
d. central cities.

_____ 3.53. Membership in a council of governments (COG) is (117)

a. voluntary for all units of local government.
b. mandatory for cities but voluntary for special districts.
c. mandatory for counties but voluntary for cities.
d. mandatory for all units of local government within each county that is associated with a COG.

_____ 3.54 If a home-rule city does not provide water and sewer services to an annexed area, the area's residents can petition a state district court for (118)

a. municipal compensation.
b. county-funded services.
c. special district status.
d. deannexation.

_____ 3.55. To protect property owners, before an unwanted municipal annexation can occur, the annexing Texas city must wait for a period of (118)

a. 1 year.
b. 3 years.
c. 6 years.
d. 10 years.

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D. Multiple-Choice Questions on Readings (with textbook page numbers)

_____ 3.56. Prior to being elected to public office, Laura Miller was employed as a (122)

a. school teacher.
b. lawyer.
c. emergency-room physician.
d. news-weekly reporter.

_____ 3.57. In the January 2002, in the first round of the electoral contest for the office of mayor of Dallas, Laura Miller finished (124)

a. first with 100 percent of the vote.
b. first with 55 percent of the vote.
c. first with 48.8 percent of the vote.
d. second with 39 percent of the vote.

_____ 3.58. Among controversial issues leading to term limits for members of San Antonio's city council was a collective bargaining agreement with the city's (126)

a. Chamber of Commerce.
b. tourist guides.
c. city council.
d. Police Officers Association.

_____ 3.59. Within three months after taking office, San Antonio's city council members are (127)

a. required to pass a written examination composed of questions covering the city's charter and ordinances.
b. required to pass a rigorous physical examination.
c. presented with a proposed consolidated annual budget for the city.
d. forced to begin campaigning for reelection.

_____ 3.60. The community center in Cameron Park was built with the help of the Colonias Program of (133)

a. the University of Texas—Brownsville.
b. St. Mary's University.
c. Baylor University.
d. Texas A&M University.

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_____ 3.61. The Community Development Corporation of Brownsville and the Rio Grande Valley Multibank have helped Cameron Park residents obtain (134)

a. loans for purchase of lottery tickets.
b. transportation, taking them to agricultural jobs in California and Michigan.
c. grants for graduate school education.
d. home mortgages.

E. Completion Questions on Text Material (with textbook page numbers)

3.62. Compared to general-law cities, home-rule cities in Texas have greater flexibility in determining the form and structure of municipal _____. (92)

3.63. The recall provision of Austin's charter provides for removal of elected officials through a popular _____. (92)

3.64. Under the weak mayor-council form of government, the _____ exercises limited administrative powers. (93)

3.65. Under the council-manager system, the city _____ is responsible for budget coordination. (96)

3.66. A new era in municipal administration began in 1913 when Amarillo and Terrel adopted the _____ form of government. (96)

3.67. Establishing long-standing relationships between a city manager and city council members is sometimes hampered by the fact that some city councils are subject to term _____. (98)

3.68. In theory, council-manager systems attempt to separate policymaking and _____. (98)

3.69. All elected officials for Texas municipalities are elected in state-mandated _____ elections. (98)

3.70. All members of city councils for Dallas, San Antonio, Fort Worth, and El Paso are elected from _____ districts. (98-99)

3.71. Texas cities may charge a _____ fee based on the gross receipts of public utilities operating within their jurisdictions. (101)

3.72. When faced with a budget problem, one option for a municipal government would be to impose hiring and wage _____ on city employees. (103)

3.73. In Texas, county commissioners are elected for a term of _____ years. (104)

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3.74. Maintaining a Texas county's vital statistics is the responsibility of the county _____. (108)

3.75. Assessing business and residential property for tax purposes within each Texas county is the function of a countywide tax _____ district. (108)

3.76. The _____ function involves checking records and account books of all county officials who handle county funds. (109)

3.77. Farm and ranch land in Texas is taxed on the basis of _____ rather than market value. (109)

3.78. County governments are authorized to keep half of the fees collected for issuing certificates of _____ for motor vehicles. (110)

3.79. County expenditures for welfare and mental health programs are examples of spending that is dictated by the _____, not by the county. (111)

3.80. School districts and _____ special districts are the two basic categories of special district governments. (112)

3.81. Among the powers conferred on school boards by the Texas Legislature is the power to provide for the construction and _____ of school buildings. (112)

3.82. A recent study shows that community colleges stimulate the local _____. (114)

3.83. The phrase "review and comment" refers to a COG's evaluation function concerning _____ proposals submitted by member governments. (117)

3.84. Consolidation of local government units within an urban area under one umbrella is called _____ government. (118)

F. Completion Questions on Readings (with textbook page numbers)

3.85. In announcing her candidacy for the office of mayor of Dallas, Laura Miller told supporters that she would focus on "_____ things" like roads, parks, swimming pools, and safer neighborhoods. (123)

3.86. In her campaign for mayor of Dallas, Laura Miller received help from _____ groups after she promised to raise their pay. (124)

3.87. Alexander E. Briseno compares service on San Antonio's city council to serving on the board of directors of a _____ 1000 company. (127)

3.88. Alexander E. Briseno concludes that San Antonio's "_____" term limits are frequently counterproductive. (130)

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3.89. Cameron Park's _____ serve as an important means for community activists to communicate information to residents. (133)

3.90. According to Cecilia Balli, the ultimate test of how far Cameron Park has progressed will be whether the City of Brownsville will _____ it. (134)

G. Essay Questions (with textbook page numbers)

1. Describe the four basic forms of municipal government operating in Texas. (92-98)
2. Identify the two basic types of municipal election systems and comment on their use in selected Texas cities. (98-100)
3. Describe the principal means whereby revenue is obtained to support the programs of Texas's cities, and note innovative ways of raising revenue for economic development. (100-103)
4. Identify four Texas county officials (not including the county commissioners and county judge), and describe their principal powers and functions. (108-109)
5. Describe the principal sources of revenue for financing the governments of Texas's counties. (109-110)
6. Write an essay entitled "The Importance of Noneducation Special Districts in Texas." Explain why these districts must be classified as units of government and identify some of their characteristics. (115)
7. Write an essay on "Special Problems of Government in Texas's Metropolitan Areas." In your essay, identify some of the problems, describe steps taken to cope with these problems, and suggest measures that you recommend for solving these problems in the future. (116-118)
8. Based on How Do We Compare data provided at the top of page 91 in this chapter, identify some differences and similarities with regard to numbers of cities and counties in the 12 states. Do these data appear to be related to data for area and population provided in How Do We Compare tables on pages 8 and 16 in Chapter 1?

III. Applying Your Knowledge

A. Outside Readings and Cartoons

1. From the endnotes for this chapter or from the updated bibliography of selected sources accessible through the Houghton Mifflin Political Science home page (politicalscience.college.hmco.com), choose a magazine or journal article and write a summary of it.

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2. From the endnotes or selected sources for this chapter or from the updated bibliography of selected sources accessible through the Houghton Mifflin Political Science home page (politicalscience.college.hmco.com), choose a book and write a summary of one of its chapters.
3. In a Texas newspaper, find an editorial that relates to municipal, county, or special-district government. Summarize that editorial, and explain why you agree or disagree with the writer's point of view.
4. Find a newspaper article concerning municipal, county, or special-district government in Texas. Summarize the article, and describe what you do and/or do not like about this piece of reporting.
5. Interpret one of this chapter's cartoons (or another cartoon concerning local government), and explain why you agree or disagree with the cartoonist's viewpoint.
6. Explore two or more of the web sites listed among sources for this chapter. Then select one site and write a brief note outlining how its information contributes to your understanding of local governments in Texas.

B. Internet Research Project

Objectives

1. To enhance student understanding of the functions of the county judge.
2. To enhance student understanding of the functions of the commissioners court.
3. To introduce students to the difference between query-driven research requests and subject-driven research requests on the Internet.

URL. http://www.co.bexar.tx.us

Description of the Site. Bexar County, like many Texas counties, has developed its own web site. The site includes extensive information about Bexar County and county governmental functions—from employment opportunities with the county to the minutes of county commissioners' weekly meetings to a history of Bexar County courthouses. Further, all of this information has been indexed on the site. After the "Search" page, a researcher can type in a name or phrase. The search can be customized by clicking on the "Options" key and identifying proximity of words to each other, word forms, and the most important characteristics of the search. An index of all documents on the site that contain the name or phrase is displayed on the screen. The researcher can then click on the title to view the entire document.

Use of Information. Using the web site for Bexar County (http://www.co.bexar.tx.us), you will conduct research on the county judge and the commissioners court.

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1. Once you are on Bexar County's home page, type "county judge" in the query box to the right of "Search." Then click on "go" to reach "county judge" in hypertext. Click here to reach the page for the county judge, whose name is _____.

2. Click on the "Biosketch" button to find answers to the following questions:
 a. When was the judge last elected? _____
 b. What are some of the other offices, if any, that the judge has held?
 (1) _____
 (2) _____
 (3) _____
 (4) _____
 c. What are the titles of books, if any, authored by the judge?
 (1) _____
 (2) _____

3. Click on the button for FAQs (frequently asked questions) to identify:
 a. Four responsibilities of the county judge:
 (1) _____
 (2) _____
 (3) _____
 (4) _____
 b. Four responsibilities of the commissioners court:
 (1) _____
 (2) _____
 (3) _____
 (4) _____
 c. Information concerning regular meetings of the commissioners court.
 (1) day: _____
 (2) time: _____
 (3) place: _____

4. Click on the "Speeches" button. Then click on the hypertext for the title of a speech. After reading the speech,
 a. list four Bexar County problems or issues identified by the judge:
 (1) _____
 (2) _____
 (3) _____
 (4) _____

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b. list four recent acts of the judge that are mentioned:
(1) _____
(2) _____
(3) _____
(4) _____

Internet Research Tip. In conducting research on the Internet, you will need to select a search service or engine. Search services are like card catalogs in libraries. They are used to index the contents of web sites.

Some services use query-driven searches in which the researcher enters a word or phrase, and all web sites that use that word or phrase are identified by hyperlinks. This type of search is effective in searching for a specific phrase if an organization's title is known. Many services even rate identified web sites on how responsive they are to the request. If you are having trouble drafting your query, check under the "Help" section of the search engine. This section often provides tips on how to search for the information you need. In the exercise above, you were asked to conduct a query-driven search.

Other services use subject-driven searches. The search service prepares a directory. Web sites are organized by the identified categories. In conducting a subject-driven search, you will need to identify the general category to be investigated. Each general category will be a hyperlink to more specific subcategories. Through these subcategories you will be able to reach relevant web sites. This type of search is most effective for locating the major sites for a particular subject. Often both types of searches should be used to assure that a thorough inquiry has been made for available Internet sources.

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Answers

True-False: Text

3.1. F
3.2. F
3.3. T
3.4. F
3.5. F
3.6. F
3.7. T
3.8. T
3.9. F
3.10. T
3.11. F
3.12. T
3.13. T
3.14. T
3.15. F
3.16. T
3.17. T
3.18. T
3.19. T
3.20. F
3.21. F
3.22. T
3.23. T

True-False: Readings

3.24. T
3.25. T
3.26. T
3.27. F
3.28. T
3.29. F

Multiple-Choice: Text

3.30. d
3.31. c
3.32. a
3.33. a
3.34. b
3.35. a
3.36. d
3.37. c
3.38. c
3.39. c
3.40. d
3.41. c
3.42. d
3.43. d
3.44. d
3.45. b
3.46. c
3.47. b
3.48. d
3.49. a
3.50. d
3.51. d
3.52. c
3.53. a
3.54. d
3.55. b

Multiple-Choice: Readings

3.56. d
3.57. c
3.58. d
3.59. c
3.60. d
3.61. d

Completion: Text

3.62. government
3.63. vote
3.64. mayor
3.65. manager
3.66. council-manager
3.67. limits
3.68. administration
3.69. nonpartisan
3.70. single-member
3.71. franchise
3.72. freezes
3.73. four
3.74. clerk
3.75. appraisal
3.76. auditing
3.77. productivity
3.78. title
3.79. state
3.80. noneducation
3.81. maintenance
3.82. transit
3.83. grant
3.84. metro

Completion: Readings

3.85. little
3.86. police
3.87. *Fortune*
3.88. extreme
3.89. churches
3.90. annex

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CHAPTER FOUR

The Politics of Elections and Parties

I. Preparing to Study

A. Performance Objectives

After studying and reviewing the text and readings in this chapter, you will be able to:

1. Identify important obstacles to voting that have been removed in the course of democratizing the ballot in Texas since the Civil War.
2. List legal qualifications for voting in Texas.
3. Describe the process of registering to vote in Texas.
4. Explain how and when Texas voters may vote early, "in person" and "by mail."
5. Outline important details concerning the administration of direct primaries and general elections in Texas.
6. Identify and describe the temporary and permanent organizational structures of Texas's Democratic and Republican parties.
7. Describe important ideological differences between liberalism and conservatism.
8. Outline Texas political history from the 1840s through 2002.
9. Describe the recent rise of the Texas Republican Party and the decline of the Texas Democratic Party.
10. Identify "third parties" whose candidates have been listed on Texas ballots, and comment on their ideologies and their influence on the outcome of elections.
11. Compare and contrast recent political gains of African Americans and Latinos in Texas.
12. Discuss recent advances by women in Texas politics.
13. Discuss the conduct of recent Texas political campaigns, and present your ideas regarding the issues of campaign reform and campaign finance.

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B. Overview of the Text (pp. 136–181)

Representative democracy is based on political participation by the people. In recent years, however, there has been a decline of participation in Texas.

Voting (pp. 136–144). Universal suffrage was slow in coming to Texas. After the Civil War, the Fourteenth and Fifteenth Amendments to the U.S. Constitution were supposed to prevent denial of voting because of race. Nevertheless, Ku Klux Klan terrorism, literacy tests, grandfather clauses, poll taxes, white primaries, racial gerrymandering, and diluting minority votes have been obstacles. Federal courts and the U.S. Congress have been instrumental in removing most obstacles. Today, almost any Texas resident 18 years of age or older can register and vote in general and special elections and in party primaries.

Electoral Politics (pp. 144–152). In Texas, direct primaries are used to nominate Democratic and Republican candidates. Because nomination of a candidate requires an absolute majority vote, the first primary is held on the first Tuesday in March, and (as needed) a second or runoff primary is conducted on the first Tuesday in April. Primaries are financed by a combination of filing fees and state funding.

As in other parts of the country, general elections are held in Texas on the first Tuesday following the first Monday in November of even-numbered years. Special elections to fill vacancies in U.S. congressional and state legislative offices, to approve proposed state constitutional amendments, and, occasionally, to elect certain local government officials are held as needed. The candidate receiving the most votes (a plurality) is the winner in a general election contest. If no candidate receives an absolute majority in a special election, a runoff between the top two candidates is required. The voting precinct is the basic geographic area for conducting elections. State laws concerning electoral matters are compiled in the Texas Election Code.

Party Structure (pp. 152–158). Texas's Democratic and Republican parties are similar in structure. They have temporary and permanent organizations. Primaries and conventions are temporary, but county, district, and state executive committees are parts of each party's permanent organization. Precinct conventions are held on the day of the first primary. The purpose of a precinct convention is to name delegates who will attend a county convention (or a senatorial district convention in a heavily populated county in which two or more state senators are elected). County and district conventions are held on the second Saturday after the first primary. One of the purposes of these conventions is to elect delegates to attend a party's state convention, which is held in June of each even-numbered year.

In Texas, each political party's permanent organizational structure is headed by a state executive committee composed of 31 men, 31 women, a chair, and a vice

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chair. At the bottom of each state structure, a party can have 254 county executive committees. A county executive committee is composed of all the voting-precinct chairs in the county plus the county chair. These party officials are elected in the party primaries that are used for nominating candidates for public offices. A district executive committee consists of all county executive committee chairs in a district (such as a state senatorial district or a U.S. congressional district). If a district consists of only one county or part of a county, the precinct chairs within that district make up the district executive committee.

Political Democracy (pp. 158–166). Since the 1930s, the terms liberal and conservative have had more meaning for many Texas voters than Democratic and Republican party labels. Conservative doctrine calls for minimum social services and little government intervention in economic affairs; liberal doctrine supports government involvement to promote a more equal distribution of wealth and more extensive delivery of social services.

When Texas was an independent republic, Texans were divided into pro (Sam) Houston and anti-Houston groups. Before the Civil War, the principal political groups were the Jackson Democrats and the Calhoun Democrats. The Republican Party dominated the state during the Reconstruction era following the war. With the end of the E. J. Davis administration, the Democratic Party was dominant for more than a century; but Texas Democrats were divided into liberal and conservative factions. In 1961, a special election gave Republican John Tower a seat in the U.S. Senate. This event marked the beginning of four decades of GOP growth and the decline of the Democratic Party. In 2003, Texas Republicans had majorities in both houses of the legislature and held all statewide elective offices.

Political Parties (pp. 166–170) By the 1990s, Texas had become a two-party state. In addition to the Republican and Democratic parties, a few "third parties" have nominated some candidates for statewide office and placed their presidential candidates on the general election ballot. In 2002 the most active third parties in Texas were the Libertarian Party, the Green Party, and the Reform Party.

Racial/Ethnic Politics (pp. 170–173). Minority voters and candidates, especially Latinos, are playing a larger role in Texas elections. Democrat Dan Morales won two terms as the state's attorney general in the 1999s, and Tony Sanchez became the Democratic Party's first gubernatorial candidate in 2002. Both George W. Bush and Rick Perry courted Latino voters by speaking Spanish and appointing Latinos to high state offices. Traditionally, most African-American Texans and a large majority of Latinos have supported Democratic candidates. Over the last two decades, African-American and Latino representation has increased in the Texas Legislature.

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Women in Politics (pp. 173–174). After the impeachment and removal of Governor Jim (Pa) Ferguson, his wife, Miriam A. (Ma) Ferguson was elected to two nonconsecutive, two-year terms (1925-1926 and 1933-1935) as governor. It was not until the 1990s, however, that Ann Richards served a four-year term as governor, Kaye Bailey Hutchison began to serve in the U.S. Senate, and an impressive number of Texas women began to win other high offices. In recent years, several of the state's cities (including Houston, Dallas, El Paso, San Antonio, and Waco) have elected women as mayors.

Political Campaigns (pp. 175–180). Campaigning by candidates in Texas no longer emphasizes speeches delivered from courthouse steps or the rear platform of a train. E-mail, web sites, television, opinion polls, and professional campaign personnel have been added to the more traditional means of campaigning; and the cost of running for office has escalated. Nevertheless, candidates tend to conduct mud-slinging campaigns that often fail to deal with important public policy issues. Most of what citizens learn about office-seekers is the result of viewing their short, expensive, and frequently negative TV commercials. Efforts to reform the electoral process focus on eliminating negative campaigning, increasing free media access for candidates, and imposing limits on campaign contributions and spending. Meanwhile, voter participation is declining.

Looking Ahead (p. 180–181). The U.S. Supreme Court has ruled that Americans have the right to contribute money to candidates and to spend money on their own campaigns. Because of the high cost of running for office and fear of undue influence by PACs, some people have called for public financing of election campaigns. At this point, however, most Texans are not prepared to support reforms that would limit the political influence of wealthy individuals and powerful interest groups.

C. Key Terms (with textbook page numbers)

universal suffrage (136)
literacy tests (136)
grandfather clause (137)
Gwinn v. *United States* (137)
poll tax (137)
Harper v. *Virginia State Board of Elections* (137)
white primary (137)
Smith v. *Allwright* (138)
racial gerrymandering (138)
Shaw v. *Reno* (138)
at-large majority district (138)
motor voter law (138)
Fifteenth Amendment (139)
Nineteenth Amendment (139)
Twenty-Fourth Amendment (139)
Twenty-Sixth Amendment (139)
Texas Election Code (139)
voter registration (140)
elections administrator (140)
early voting (143)
direct primary (144)

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general election (144)
runoff primary (144)
closed primary (144)
open primary (144)
nonpartisan blanket primary (144)
independent candidate (144)
jungle primary (144)
crossover voting (145)
canvass (147)
primary election (148)
off-year or midterm election (148)
special election (148)
voting precinct (149)
election judge (149)
political party (152)
stratarchy (152)
temporary party organization (154)
platform (154)
precinct convention (154)
county convention (154)
district convention (154)
state convention (155)
presidential preference primary (156)
caucus (156)
superdelegate (156)
permanent party organization (157)
precinct chair (157)
county executive committee (157)
county chair (157)
district executive committee (157)
state executive committee (157)
laissez-faire (159)
conservative (159)
school voucher (159)
neoconservatism (159)
liberal (159)
neoliberal (159)
Populist Party (161)
dealignment (166)
realignment (166)
straight-ticket voting (168)
third party (168)
La Raza Unida (168)
Libertarian Party (169)
Green Party (169)
Reform Party (169)
political action committee (PAC) (178)
Texas Ethics Commission (179)
Campaign Reform Act (179)
soft money (179)
hard money (179)
Buckley v. *Valeo* (180)

D. Overview of the Readings (pp. 185–192)

4.1. "Elephant Wars: The Christian Right Flexes Its Muscle At the Republican Convention" by Jake Bernstein (pp. 185–189)

At the Texas Republican state convention in 2002, a platform was adopted that included many controversial planks. Included were provisions for "American English" as the Lone Star State's official language, deportation of aliens without required ID cards, repeal of hate crimes legislation, termination of bilingual education programs, prosecution of women who get abortions, repeal of the minimum wage law, adoption of a constitutional amendment incorporating Right-to-Work legislation, evicting the United Nations from the United States and ending U.S. membership, regaining the Panama Canal, and abolishing several agencies of the U.S. government. To ensure support of the platform, some delegates fought for a version of Rule 43 penalizing politicians condemned as RINOs (Republican in Name Only). If

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adopted, it would have withheld party funding for candidates who did not take a stand on each plank.

4.2. "Swept Away" by Paul Burka (pp. 189–192)

Paul Burka, the senior executive editor of *Texas Monthly*, explains that the Democratic Party's strategy for winning Texas's 2002 electoral contests failed because Democrats (1) alienated white voters, (2) overestimated Hispanic solidarity, (3) overestimated Hispanic turnout, and (4) counted on ticket splitters. Burka concludes that Texas has become "an overwhelmingly Republican state," and he believes that the crushing GOP victory "calls into question whether the Democratic party has any near-term future in Texas." Meanwhile, he says Democrats can wait for the GOP to "make a mistake"—but the large number of Republicans suggests "even that might not be enough."

II. Testing Your Knowledge

A. True-False Questions on Text Material (with textbook page numbers)

_____ 4.1. The 14th and 15th Amendments to the U.S. Constitution were added after the Civil War. (136)

_____ 4.2. The Twenty-fourth Amendment to the U.S. Constitution eliminated the poll tax as a prerequisite for voting in national elections. (137)

_____ 4.3. In Texas, voter registration requires the personal appearance of a prospective voter in the office of the county voting registrar. (138)

_____ 4.4. Under Texas law, a felony conviction results in permanent disqualification from voting. (140)

_____ 4.5. In Texas elections, the turnout rate for African Americans has been substantially below that for Anglos. (143)

_____ 4.6. Under Texas law, early voting is not allowed in party primaries or general elections. (143)

_____ 4.7. In the Texas primary system, a Democratic contestant who receives the most votes in the first primary always becomes the Democratic Party's nominee. (144)

_____ 4.8. A Texas voter makes a party pledge at the time of voting in a primary. (146)

_____ 4.9. Prospective candidates desiring to have their names placed on the primary ballot for county or precinct office must file with the county chair of their party. (147)

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_____ 4.10. Payment of a filing fee is the only way that a candidate may obtain a place on a Texas primary ballot. (147)

_____ 4.11. Part of the expense of conducting Texas primaries is paid by the state. (147)

_____ 4.12. Each county in Texas has a county election commission that designates polling places used in general elections. (149)

_____ 4.13. Under an "English only" law, ballots used in Texas primaries and elections must be printed only in English. (152)

_____ 4.14. In Texas, temporary organizations of political parties last for periods of a few hours or one or two days. (154)

_____ 4.15. The lowest level of temporary party organization is the precinct convention. (154)

_____ 4.16 While running for governor of Texas in 1998, George W. Bush has used the phrase "compassionate conservatism" to identify his political philosophy. (159)

_____ 4.17. Today's political liberals favor government regulation so that wealth may be more equitably distributed. (159)

_____ 4.18. Political realignment involves a shift in party affiliation. (166)

_____ 4.19 The Permian Basin area of West Texas has been a stronghold of the Democratic Party since 1980. (166)

_____ 4.20 The term "third party" is commonly used to describe either the Republican Party or the Democratic Party. (158)

_____ 4.21. According to Ruben Bonilla, the Raza Unida Party did not survive because of the maturity of the Republican Party to accept African Americans. (171)

_____ 4.22. Dan Morales, a Democrat, was elected twice to the office of attorney general. (171)

_____ 4.23. Difficulty in raising money for campaign expenses is the chief reason fewer women than men run for elective public office. (174)

_____ 4.24. W. Lee "Pappy O'Daniel was a TV host for General Motors and ran unsuccessfully for governor in 1938. (175)

_____ 4.25. Usually, it is the candidate who is behind in the polls who wants to debate his or her opponent. (176)

_____ 4.26. Neither Rick Perry nor Tony Sanchez used negative TV ads in their gubernatorial election campaigns in 2002. (177)

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B. True-False Questions on Readings (with textbook page numbers)

_____ 4.27. The Texas Republican Party platform of 2002 included a plank to repeal the state's minimum wage law. (185)

_____ 4.28. Republicans in Name Only (RINOs) is a term used by some Texas Republicans to describe those GOP politicians who do not support fully their party's platform. (186)

_____ 4.29. Paul Burka states that the Democratic Party's "turn out the minority vote" strategy in 2002 alienated the white vote. (190)

_____ 4.30. Paul Burka states that Democratic Party strategy in 2002 underestimated Hispanic solidarity. (190)

C. Multiple-Choice Questions on Text Material (with textbook page numbers)

_____ 4.31. Universal suffrage did not become a reality in Texas until (136)

a. the mid-1960s.
b. the end of World War II in 1945.
c. the end of World War I in 1918.
d. the end of the Civil War in 1865.

_____ 4.32. The U.S. Supreme Court's decision in *Smith* v. *Allwright* (1944) invalidated Texas's (137-138)

a. poll tax as a prerequisite for voting.
b. poll tax as the Lone Star State's principal means of raising revenue.
c. anti-Ku Klux Klan legislation.
d. white primary.

_____ 4.33. Among qualifications for voting in Texas is the requirement that one must be (139)

a. a native-born citizen of the United States.
b. at least 18 years of age on or before Election Day.
c. a resident of the state, county, and election precinct at least 60 days immediately preceding Election Day.
d. a registered voter for at least one day immediately preceding Election Day.

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_____ 4.34. A Texas voter registration certificate is issued between November 1 and 15 of (140)

a. each presidential election year.
b. each year.
c. each gubernatorial election year.
d. each odd-numbered year.

_____ 4.35. Democratization of the ballot has been largely the result of pressure from the (141)

a. federal government.
b. state governments.
c. county governments.
d. municipal governments.

_____ 4.36. Of all the socioeconomic influences on voting, the strongest by far is that of (142)

a. education.
b. race.
c. age.
d. sex.

_____ 4.37. Texas's 17-day early voting period applies to (143)

a. runoff primaries only.
b. first primaries only.
c. general elections only.
d. all first primaries and general elections.

_____ 4.38. In Texas, polling places for early voting are generally open on weekdays (143)

a. during general business hours of the official conducting the election.
b. from 8 a.m. to 11:30 a.m.
c. from 1 p.m. to 5 p.m.
d. from 9 a.m. to 4 p.m.

_____ 4.39. Except for the purpose of nominating presidential and vice presidential candidates and some local officials, voters in every state nominate candidates for other public offices through use of some form of (144)

a. convention system.
b. caucus system.
c. appointment system.
d. direct primary system.

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_____ 4.40. Declaration of party affiliation when registering or voting is required in states using the (144)

a. open primary system.
b. indirect primary system.
c. closed primary system.
d. blanket primary system.

_____ 4.41. Primaries are administered in most states by (146)

a. agents of the federal government.
b. sponsoring political parties.
c. agents of state governments who are employed by a state attorney general or a secretary of state.
d. a combination of government officials at the local, state, and national levels.

_____ 4.42. First primaries for Texas Democrats and Republicans are conducted on the (146)

a. first Saturday in January in odd-numbered years.
b. first Tuesday in March in even-numbered years.
c. first Saturday in May in odd-numbered years.
d. fourth Saturday in June in even-numbered years.

_____ 4.43. In Texas, general elections for state, district, and county officials are held in (148)

a. November of even-numbered years.
b. March of odd-numbered years.
c. April of even-numbered years.
d. May of odd-numbered years.

_____ 4.44. In Texas, general elections for selecting the governor and other statewide officers serving four-year terms have been scheduled to (148)

a. coincide with elections to fill municipal offices.
b. coincide with elections to fill special-district offices.
c. avoid the influence of presidential elections.
d. avoid the influence of congressional elections.

_____ 4.45. The basic unit for conducting national, state, district, and county elections in Texas is the voting (149)

a. district.
b. area.
c. region.
d. precinct.

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_____ 4.46. Voting-precinct clerks who help conduct Texas's general and special elections must be selected from different (149)

a. ethnic groups.
b. political parties.
c. racial groups.
d. geographic areas.

_____ 4.47. In Texas, both Spanish and English registration and election materials are used in (152)

a. South Texas counties only.
b. metropolitan areas only.
c. counties with Latino population majorities only.
d. all counties.

_____ 4.48. One major function of a Texas party's state convention is to (154)

a. adopt a party platform.
b. nominate the party's candidate for the office of governor.
c. issue voting directives for the party's delegation to the U.S. House of Representatives.
d. nominate the party's candidate for the office of secretary of state.

_____ 4.49. The Texas Republican Party selects delegates to the national GOP convention based on the results of (156)

a. the presidential preference primary.
b. casting lots.
c. written examinations for prospective delegates.
d. appointments made by the state executive committee.

_____ 4.50. One man and one woman from each of Texas's state senatorial districts, along with a chair and a vice chair, compose a party's (157)

a. senatorial committee.
b. local government committee.
c. state executive committee.
d. delegation to the national presidential convention.

_____ 4.51. Internal feuding within a political party is termed (158)

a. radicalism.
b. factionalism.
c. feudalism.
d. humanism.

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_____ 4.52. Texas conservatives are more likely than liberals to oppose (159)

a. church involvement in secular politics.
b. mandatory prayer in public schools.
c. government subsidies for religious institutions.
d. government assistance to poor families.

_____ 4.53. The ideological position that advocates fiscal conservatism but allows for a limited government role in solving social problems reflects (159)

a. the socialist view.
b. the neoliberal view.
c. the neoconservative view.
d. the communist view.

_____ 4.54. In the gubernatorial election of 1998, Republican candidate George W. Bush's share of the vote was almost (163)

a. 70 percent.
b. 59 percent.
c. 49 percent.
d. 30 percent.

_____ 4.55. From 1994 to 2002, the Republican primary vote was larger than the Democratic primary vote in (167)

a. gubernatorial election years only.
b. presidential election years only.
c. both gubernatorial and presidential election years.
d. neither gubernatorial nor presidential election years.

_____ 4.56. A "yellow dog Democrat" is a person who (168)

a. is intensely loyal to the Democratic Party and its candidates.
b. leaves the Democratic Party and joins the GOP.
c. participates in Democratic primaries but votes for Republican candidates in general elections.
d. identifies with the Democratic Party but is dedicated to the cause of People for the Ethical Treatment of Animals.

_____ 4.57. The Texas Libertarian Party advocates (169)

a. minimizing the performance of government at all levels.
b. minimizing individual freedom.
c. minimizing individual rights.
d. regulating the sale and use of drugs.

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_____ 4.58. Texas's Green Party is known for its (169)

a. opposition to campaign finance reform.
b. advocacy of lower taxes on the wealthy.
c. support of environmental protection policies.
d. defense of political influence by corporate wealth and power.

_____ 4.59. Most Texans learn about candidates for public office through (176)

a. radio news broadcasts.
b. television commercials.
c. newspaper editorials.
d. telephone calls.

_____ 4.60. Texas law requires disclosure of information relating to (180)

a. political ideology of professors at state universities.
b. amounts of election campaign contributions and expenditures.
c. social activities of state employees.
d. ethics indoctrination for officeholders and candidates for public office.

D. Multiple-Choice Questions on Readings (with textbook page numbers)

_____ 4.61. Included in the Texas Republican Party's 2002 platform was a plank endorsing (185)

a. racial segregation in public schools.
b. ethnic segregation in public schools.
c. extended coverage of the state's labor force by workers' compensation laws.
d. reasonable use of racial profiling by law enforcement officers.

_____ 4.62. At the Texas Republican Party's 2002 convention, an unsuccessful effort was made to adopt a version of Rule 43 that would have withheld party funding from GOP candidates who failed to declare that they approved, disapproved or were undecided about (188)

a. President George W. Bush's policies concerning Iraq.
b. each plank in the Texas GOP's platform.
c. redistricting for U.S. representatives elected in Texas.
d. free trade with all Latin American countries.

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_____ 4.63. Paul Burka states that the most startling development in Texas's 2002 election was (191)

a. the inability of gubernatorial candidate Tony Sanchez to raise campaign funds.
b. the large percentage of African Americans who supported GOP candidates.
c. the disappearance of ticket splitters.
d. the popularity of John Sharp with Republican voters.

_____ 4.64. Paul Burka is of the opinion that the Texas Republican Party's victory in 2002 calls into question whether the Democratic Party has any (191)

a. hope of winning either state or local offices in 2006.
b. chance of gubernatorial victories in the twenty-first century.
c. near-term future in the state.
d. hope of retaining the support of minority voters.

E. Completion Questions on Text Material (with textbook page numbers)

4.65. The _____ primary was devised and used in Texas to prevent African Americans and some Latinos from voting in the Democratic primary. (137)

4.66. Voter _____ is intended to determine in advance whether prospective voters meet all of the qualifications prescribed by law. (140)

4.67. In a local election at the city or school-district level in Texas, a _____ of 20 percent is considered relatively high. (141)

4.68. _____ voting in Texas is allowed during the 17-day period preceding a first primary or general election. (143)

4.69. At the top of each ballot used in a Texas primary is printed a statement that the voter will be "ineligible to vote or participate in another political party's primary election or _____ during the voting year." (146)

4.70. Under Texas law, run-off primaries are held on the first Tuesday in _____. (146)

4.71. One method of voting in Texas involves use of the direct-record electronic (or _____) system. (150)

4.72. Within the limits of Texas law, the voting system used in a county is determined by the county _____ court. (150)

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4.73. When voting, Texans may take voting guides and other printed materials into a voting _____. (152)

4.74. Conventions constitute components of the _____ party organization for each major political party in Texas. (154)

4.75. In Texas, the state executive committee constitutes the highest _____ party organization for each major political party. (157)

4.76. Conservative doctrine advocates an economic system that is largely untouched by _____. (159)

4.77. Straight-ticket voting has been the practice of Texas's "yellow _____ Democrats." (168)

4.78. In 1996, Ross Perot launched a new political party named the _____ Party. (168)

4.79. The Raza Unida Party was founded in 1969 by José Angel Gutiérrez of _____ City and others. (171)

4.80. In a 1990 contest for a seat on the Texas Court of Criminal Appeals, the racial classification of both the Democratic candidate (Morris Overstreet) and the Republican candidate (Louis Sturns) was _____ American. (172)

4.81. In using the Internet to communicate with voters, the benefit of low _____ must be weighed against important problems. (176)

4.82. Financial contributions received by state officeholders must be disclosed to the Texas _____ Commission. (179)

4.83. Texas is only one of six states with no _____ on political campaign contributions (except for some judicial races). (180)

4.84. One result of public funding of elections would be to put challengers on a more equal financial footing with _____. (180)

F. Completion Questions on Readings (with textbook page numbers)

4.85. At the Texas Republican Party's 2002 convention, critics of state chair Susan Weddington made an unsuccessful attempt to place _____ limits on her office. (186)

4.86. At the Republican Party's 2002 convention, delegates identified with the Christian Right enthusiastically endorsed a resolution calling on the GOP's state representatives to choose a new House_____ in a secret caucus. (188)

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4.87. Paul Burka is of the opinion that Texas Democrats overestimated _____ turnout for the 2002 election. (190)

4.88. In painting a dismal future for Texas Democrats, Paul Burka concludes that all they can do is wait for Republicans to make a _____. (192)

G. **Essay Questions** (with textbook page numbers)

1. Describe former obstacles to voting in the Lone Star State. (136–138)
2 Explain how voting has been democratized in Texas through federal voting rights legislation and state regulations concerning voter qualifications, voter registration, and early voting. (138–144)
3. Write an essay entitled "Texas Primaries." In this essay, describe the scheduling, administration, and financing of the Lone Star State's system for nominating Republican and Democratic candidates. (144–147)
4. Write an essay entitled "General and Special Elections in Texas." In this essay, discuss election schedules, selection and duties of election officials, and procedures involved in administering elections. (148–152)
5. Write an essay entitled "Political Party Structure in Texas: Temporary and Permanent Organizations." In this essay, describe the party convention system and explain the principal functions of precinct chairs at the lowest level and executive committees at higher levels. (152–158)
6. Write an essay on "Political Ideology in Texas Today." (158–160)
7. Prepare an outline identifying significant events and important people in the political history of Texas from the 1840s to the early years of the twenty-first century. (160–166)
8. Identify Texas's two major political parties and three "third parties," and comment on their strengths and weaknesses today. (166–170)
7. Describe the impact of Latino and African American voters on Texas politics in recent years, and comment on the prospects for greater ethnic and racial influences on the political affairs of the state in the years ahead. (170–173)
8. Explain why Texas women have begun to play more important roles as voters and candidates, and comment on their prospects for exercising even greater political influence in the future. (173–174)
9. Write an essay entitled "Campaigns and the Importance of Money in Texas Politics." In your essay, discuss problems in conducting campaigns, ideas for campaign reform, and the issue of campaign finance. (175–180)
10. Although most Americans do not make campaign contributions (especially children), per capita amounts provide data for interesting comparisons of the 12 states in the How Do We Compare table on page 179 of this chapter. Divide the contribution amount for each state by the state's total population as

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provided in the How Do We Compare table on page 16 of Chapter 1. Then rank the states in descending order of per capita contributions. Other interesting comparisons can be made by using data for voting-age populations, registered voters, or votes cast in statewide elections,

III. Applying Your Knowledge

A. Outside Readings and Cartoons

1. From the endnotes for this chapter or from the updated bibliography of selected sources accessible through the Houghton Mifflin Political Science home page (politicalscience.college.hmco.com), choose a magazine article or journal article and write a summary of it.
2. From the endnotes for this chapter or from the updated bibliography of selected sources accessible through the Houghton Mifflin Political Science home page (politicalscience.college.hmco.com), choose a book and write a summary of one of its chapters.
3. Find a newspaper editorial that relates to the politics of elections and parties in Texas. Summarize that editorial, and explain why you agree or disagree with the writer's point of view.
4. Find a newspaper article concerning the politics of parties and elections in Texas. Summarize the article, and describe what you do like and/or do not like about this piece of reporting.
5. Interpret one of this chapter's cartoons (or another cartoon concerning parties and/or elections), and explain why you agree or disagree with the cartoonist's point of view.
6. Explore two or more of the web sites listed among sources for this chapter. Then select one site and write a brief note outlining how its information contributes to your understanding of the politics of Texas elections and parties.

B. Internet Research Project

Objectives

1. To examine websites maintained by the two major political parties in Texas (Republican and Democrat) and one of the state's "third" parties (Libertarian).
2. To enhance student knowledge of the concept of ideology through completing an on-line survey.
3. To introduce students to use of multiple web sites for conducting political research.
4 To understand the term "favorites/bookmarks list."

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5. To help students become more efficient in using favorites or bookmarks lists.

URLs. http://www.texasgop.org
http://www.txdemocrats.org
http://www.lptexas.org
http://www.lptx.org

Description of the Sites Internet sites are maintained by the Democratic, Republican, Libertarian, and other political parties active in Texas. These web sites serve several purposes: they supply news to party members about party affairs; they provide information about party rules, leadership, and platforms; they attempt to recruit new members; and they try to raise funds.

The Internet is a dynamic, ever-changing environment. If any of the links and instructions need to be adjusted, consult the textbook's web site for updates of this exercise (http://college.hmco.com/polisci/brown/prac_tex_pol/12e/students/index.html).

Use of Information In these exercises you will learn about three of Texas's political parties. In addition, you will complete a survey that will help enhance your knowledge about ideology.

1. Go to the website (www.texasgop.org) for the home page of the Republican Party of Texas.
 a. Click the button labeled "Leadership."
 b. Then click "Party Officers" to find that the name of the chairman of the Texas Republican party is _____.
 c. Go back to the Republican Party of Texas home page and click on "Links." Then click "County Party Web Sites." If you are a Texan, select your home county if it is listed; otherwise, select the county where your college or university is located or another county. The name of the selected county is _____ and the Democratic county chair is _____.

2. Go to the Texas Democratic Party's web site (www.txdemocrats.org).
 a. Click the button labeled "Party and Elected Officials." On that page, click "State Officers."
 b. The name of the chair of the Texas Democratic Party is _____.
 c. Click "County Chairs." As directed by Instruction 2 above, select a county and search alphabetically for that county. Who is the Republican Party chair in the county? _____

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3. Go to the Libertarian Party's website (www.lptexas.org).
 a. Click the "Leadership" link. What is the name of the Chair of the Texas Libertarian Party? _____
 b. Click "County Parties" and then click "List of County Chairs." Next, click on "List of All Records by County" and on "Display Selected List." Scroll down to the name of the county, if it is listed. What is the name of the county chair of the Texas Libertarian party?

4. To take a survey that should help you to understand ideology, go to www.lptx.org and scroll down to "Philosophy." Then click "World's Smallest Political Quiz." Take the quiz and click "Score It." On the results page you will find the definition of what the quiz identifies as your philosophy, along with definitions of four other philosophies. List these five philosophies and provide definitions:

 a. _____

 b. _____

 c. _____

 d. _____

 e. _____

Internet Research Tip You might want to be able to go back and examine the information on one of these web sites you visited during this exercise. If you want to be able to refer to it quickly, you can create a bookmarks or favorites list (the name will depend on your web browser). You can create lists of sites that you use frequently or want to be able to find again. Sometimes your web browser may include preset items to help promote the web browser company's products. These can be deleted. Most web experts recommend that you save URLs that interest you the first

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time you see them. It is often difficult to return to a site at a later date, because you may not be able to recall how you got there the first time. If you find that a web site is no longer useful or of interest to you, it can always be deleted. To reach a site that has been added to your bookmarks or favorites list, all you have to do is click on the site on your list and you will be connected.

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Answers

True-False: Text

4.1. T
4.2. T
4.3. F
4.4. F
4.5. T
4.6. F
4.7. F
4.8. T
4.9. T
4.10. F
4.11. T
4.12. T
4.13. F
4.14. T
4.15. T
4.16. T
4.17. T
4.18. T
4.19. F
4.20. F
4.21. F
4.22. T
4.23. T
4.24. F
4.25. T
4.26. F

True-False: Readings

4.27. T
4.28. T
4.29. T
4.30. F

Multiple-Choice: Text

4.31. a
4.32. d
4.33. b
4.34. d
4.35. a
4.36. a
4.37. d
4.38. a
4.39. d
4.40. c
4.41. b
4.42. b
4.43. a
4.44. c
4.45. d
4.46. b
4.47. d
4.48. a
4.49. a
4.50. c
4.51. b
4.52. d
4.53. c
4.54. a
4.55. b
4.56. a
4.57. a
4.58 c
4.59. b
4.60. b

Multiple-Choice: Readings

4.61. d
4.62. b
4.63. c
4.64. c

Completion: Text

4.65. white
4.66. registration
4.67. turnout
4.68. Early
4.69. convention
4.70. March
4.71. touchscreen
4.72. commissioners
4.73. booth
4.74. temporary
4.75. permanent
4.76. government
4.77. dog
4.78. Reform
4.79. Crystal
4.80. African
4.81. cost
4.82. Ethics
4.83. limits
4.84. incumbents

Completion: Readings

4.85. term
4.86. speaker
4.87. Hispanic
4.88. mistake

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CHAPTER FIVE

The Politics of Interest Groups

I. Preparing to Study

A. Performance Objectives

After studying and reviewing the text and readings in this chapter, you will be able to:

1. Define the term *interest group* and distinguish between an interest group and a political party.
2. Explain why interest groups have grown in number and importance in Texas.
3. Summarize significant details concerning the organizational patterns, membership, and leadership in interest groups.
4. Classify interest groups and give examples of each classification.
5. Identify power groups and explain their influence on Texas politics.
6. Identify activities and techniques used by lobbyists to influence policymakers.
7. Discuss the regulation of interest groups in Texas politics.
8. Identify factors that affect interest group power and influence in Texas politics.

B. Overview of the Text (pp. 194-216)

Through group action, efforts are made to influence government officials who make and implement public policy. As a rule, political action by a group is more effective than that of an individual.

Interest Groups in the Political Process (pp. 194-196). Interest groups, as well as political parties, seek to influence the selection of government officials and the decisions that they make. Sometimes called *pressure groups*, interest groups are organized to make public officials take policy actions preferred by interest-group members. The Independent Colleges and Universities of Texas (ICUT), for example, pressures the Texas Legislature against reduction of funding for Tuition Equalization Grants that benefit students in private institutions of higher education.

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Political parties focus on gaining control of government in order to achieve party goals. In contrast, interest groups seek to influence the policy decisions of whomever is elected to public office. Interest groups provide representation for economic and social elements that are not represented directly in government. Such organizations can provide functional representation that supplements the geographic representation provided by elected officials.

The ability of interest groups to wield influence is enhanced by decentralized structures of government in a federal system that features national, state, and local levels. Also of importance is the fact that governing power is divided among legislative, executive, and judicial branches. In addition, decentralized political parties, wherein cohesion often is lacking, enhance the strength of interest groups.

Organization of Interest Groups (pp. 196-198). In Texas, as elsewhere in the United States, interest groups exhibit a wide variety of organizational patterns. Some are highly centralized but others are decentralized. Prosperous, well-educated people tend to be more active in interest groups than persons with less wealth and education. As a rule, the larger a group's membership, the greater the probability that group policy will be made by a few leaders. These leaders are likely to be people who make large financial contributions, can spend time on organizational work, and have desired personality traits.

Classification of Interest Groups (pp. 198-205). There are different types of interest groups: economic (business organizations, labor unions), professional (dentists, lawyers), racial and ethnic (African Americans and Latinos), women's, public interest (consumer, environmental, civil rights), public officer and employee (city attorneys, workers in the state bureaucracy), and religious (church denominations and other faith-based organizations).

Political power of interest groups varies greatly, but Texas legislators have identified the following as being among the most powerful: trade associations of oil and gas, insurance, and chemical companies; professional associations of physicians, lawyers, and teachers; labor unions; and organizations representing realtors, truckers, brewers, automobile dealers, and bankers.

Interest-Group Activities (pp. 205-206). In Texas political life, interest groups engage in various activities, some of which overlap those of political parties. They are involved in recruiting candidates for public office, defining conflict and shaping consensus on issues, and providing outlets for citizens who desire to influence the policymaking process.

Techniques of Interest Groups (pp. 206-212). Much of any interest group's political work is done by lobbyists. Some lobbyists are former legislators or have held

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other public offices. A lobbyist's objective is to persuade policymakers to act as an interest group wants. When approaching a policymaker, a lobbyist identifies the group he or she represents, defines the interest, makes clear what action is desired and why, answers questions, and provides information needed for making a decision. Additional lobbying practices include providing entertainment and other personal favors, as well as persuading a decision maker that the group's goals have broad-based public support.

In addition to lobbying, techniques employed for exercising group power include electioneering, campaign financing, and even bribery and other illegal practices. Electioneering efforts involve publicizing the political records of incumbent candidates, providing candidates with group membership information and mailing lists, and encouraging voter turnout to support a group's preferred candidates. Political action committees (PACs) have come to play a very important role in raising and contributing campaign money that helps favored candidates win nominations and elections. Bribery is the crudest interest-group technique, and it is prohibited by law.

Regulation of Interest Group Politics (pp. 213-214). Established in 1991, the Texas Ethics Commission registers lobbyists and enforces state laws regulating lobbyists' activities and requiring periodic financial reports. Nevertheless, the relationship between campaign contributions by interest groups and policy decisions by elected officials persists.

Interest-Group Power and Public Policy (p. 215). In analyzing group influence, many scholars have explained that it is determined by size of membership, degree of membership unity, amount of financial resources, and quality of leadership. Others emphasize that group influence tends to vary inversely with the strength of a state's political parties. Research indicates that strong parties are found in densely populated, highly industrialized states with high levels of per capita wealth and formal education. Some scholars have noted that interest-group effectiveness is related to harmony between group aims and community beliefs, representation of groups within the structure of government, and the power of government officials.

Although Texas is wealthy, heavily urbanized, and highly industrialized, its one-party tradition and its weak, uncoordinated governmental institutions have encouraged interest-group influence. Furthermore, Texas interest groups have identified with important elements of the state's culture: free enterprise and self-reliance. Consequently, some Texans are more likely to trust lobbyists than to trust government officials. One must not assume, however, that all decisions of Texas's public officials are dictated by interest groups.

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Pinpointing Political Power (pp. 215-216). Determining which interest groups, political leaders, or individuals have the most power is difficult. Likewise, magnitudes of political influence vary, depending on the issue involved. Experience indicates, however, that unorganized citizens are ill prepared to oppose organized interest groups.

Looking Ahead (p. 216). Interest groups influence policy decisions at all levels of government, within the three departments (legislative, executive, and judicial), and among members of the state's bureaucracy.

C. Key Terms and Concepts (with textbook page numbers)

interest group (194)
NAACP v. *Alabama* (195)
right of association (195)
decentralized government (196)
organizational pattern (197)
group leadership (198)
economic interest group (199)
business organization (199)
labor organization (199)
professional group (201)
public officer and employee group (202)
social interest group (202)
racial and ethnic groups (202)
women's organization (203)
religious-based group (203)
public interest group (203)
power group (204)
interest group technique (206)
lobbying (207)
electioneering (209)
political action committee (PAC) (210)
Texas Ethics Commission (213)
political influence of interest groups (215)

D. Overview of the Readings (pp. 219-228)

5.1. "PGA Village" by Diane M. Duesterhoeft (pp. 219-223)

On 9 March 2001, Governor Perry signed S.B. 1629 authorizing Cibolo Canyon Conservation and Improvement District No. 1. This district covered nearly 2,900 acres of land belonging to the Lumbermen's Investment Corporation (LIC).

Though the land is located outside the city limits of San Antonio, S.B. 1629 specified that a city ordinance approving a development project would be required. Such an ordinance was passed and a contract was negotiated with the Professional Golfers Association of America (PGA) for building a 500-bed resort hotel, two golf courses, and 100,000 square feet of commercial office space, along with 4,000 homes, apartments, and condos. Opponents insisted the project would endanger San Antonio's water supply, destroy wildlife habitat, encroach on an area sacred to Native Americans, and amount to a tax giveaway. After grassroots organizations mounted a petition drive for the purpose of forcing the city council to repeal the or-

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dinance, PGA America announced its withdrawal from the deal. The ordinance was repealed, but the special taxing district was replaced with a nonannexation agreement between LIC and the city of San Antonio.

Although COPS and Metro Alliance pressured LIC into accepting a living wage requirement, other groups continued to oppose PGA Village and demanded that San Antonio's voters should have an opportunity to vote on it. At the time this article was written, the outcome was still in doubt because PGA America was undecided about its participation. Nevertheless, this affair does illustrate how grassroots organizations can have an impact on public policy.

5.2. "Political Watchdogs on Patrol" by Jay Root (pp. 223-225)

Late in 2002, Texas Republicans and business lobbyists are characterizing watchdog and consumer advocate groups as tools of the Democrats, used to thwart the GOP legislative agenda. Although leaders of these groups say they may have more in common with the Democratic Party, they note that there were significant policy disagreements when Democrats controlled state government. Further, they point out that on some issues they have received GOP support. Thus, leaders of watchdog and consumer advocate groups discount their critics' accusations of political favoritism.

5.3. "Taking Part in the Texas Municipal League's Lobbying Efforts: A Dozen Golden Rules for Grass Roots Involvement" (pp. 225-228)

Lobbying the Texas Legislature is an important function of the Texas Municipal League (TML), but staff personnel cannot do it alone. This article offers twelve "rules" of lobbying that municipal officials should follow when they supplement TML's efforts to influence legislators: (1) stay well informed, (2) put someone in charge, (3) get personally acquainted, (4) know your legislator's staff, (5) respond to the League's requests for assistance, (6) be able to act quickly, (7) express yourself, (8) write letters carefully and thoughtfully, (9) keep the League staff informed, (10) recognize their problems, (11) say thanks, and (12) do Unto Others…

II. Testing Your Knowledge

A. True-False Questions on Text Material (with textbook page numbers)

_____ 5.1. As a general rule, groups are more successful in achieving political goals than are individuals acting alone. (194)

_____ 5.2. Dispersal of power within branches or departments of government enhances an interest group's chances of success in influencing policymakers. (196)

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_____ 5.3. Texas voters consistently vote in accordance with their commitment to ideological beliefs. (196)

_____ 5.4. In Texas and other parts of the United States, a janitor is just as likely as a lawyer or other professional person to be a member of an interest group. (197)

_____ 5.5. People who make the largest financial contributions to an interest group's organization tend to have the greatest influence over its decisions. (197-198)

_____ 5.6. Although it is a highly industrialized state, Texas has a relatively small number of labor union members. (200)

_____ 5.7. The NAACP is an effective social interest group. (202)

_____ 5.8. Issues with which the Christian Coalition is actively involved include prayer in public schools, abortion, and homosexuality. (203)

_____ 5.9. Common Cause is an example of a religious-based interest group. (204)

_____ 5.10. When an interest group serves as an outlet for discussion of questions of public interest, it is helping to develop conflict or consensus. (205)

_____ 5.11. It is not unusual for lobbyists to provide free liquor, wine, or beer to public officials. (209)

_____ 5.12. Interest groups place issue advertisements on TV broadcasts in order to influence public opinion. (209)

_____ 5.13. Political action committees (PACs) may raise funds but are prohibited by Texas law from contributing any money to candidates for public office. (210)

_____ 5.14. The Texas Ethics Commission enforces legal standards for lobbyists and public officials. (213)

_____ 5.15. Unity among members of an interest group tends to increase the group's political influence. (215)

B. True-False Questions on Readings (with textbook page numbers)

_____ 5.16. The PGA Village project was launched because there are no golf courses within an hour's drive of San Antonio. (219)

_____ 5.17. The Edwards Aquifer Recharge Zone (ERZ) is the sole source of drinking water for most of San Antonio. (220)

_____ 5.18. Texans for Public Justice tracks the influence of corporate money in politics. (224)

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_____ 5.19. Consumers Union, the publisher of *Consumer Reports,* gets the bulk of its operating revenue from big-business interest groups. (225)

_____ 5.20. According to the Texas Municipal League (TML), a mayor is the only city official who should be involved in legislative communications. (225)

_____ 5.21. The Texas Municipal League suggests that a letter written to a legislator should explain a city's stance on as many pending bills as possible in order to maximize its impact. (227)

C. Multiple-Choice Questions on Text Material (with textbook page numbers)

_____ 5.22. An interest group is sometimes called a (194)

a. government group.
b. constitutional group.
c. pressure group.
d. judicial group.

_____ 5.23. The principal objective of interest groups is to (195)

a. influence government officials, regardless of their party affiliation, in making and implementing policies.
b. nominate interest-group members for public office.
c. elect interest-group members to public office.
d. recruit interest-group leaders to fill party offices.

_____ 5.24. Interest groups provide a system of (195)

a. geographic representation.
b. territorial representation.
c. functional representation.
d. symbolic representation.

_____ 5.25. The development of interest groups was greatly facilitated by the U.S. Supreme Court's decision in *NAACP* v. *Alabama* that recognized the right of association as part of the right of freedom of (195)

a. religion.
b. press.
c. assembly.
d. speech.

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_____ 5.26. A decentralized party system tends to (196)

a. discourage the formation of interest groups.
b. magnify opportunities for effective action by interest groups.
c. mobilize citizens against interest groups.
d. maximize conflict among rival interest groups.

_____ 5.27. Among centralized interest-group organizations operating in Texas, one finds (197)

a. the Libertarian Party.
b. the Texas Association of Businesses and Chambers of Commerce.
c. labor unions affiliated with the AFL-CIO.
d. the National Rifle Association.

_____ 5.28. The Texas Association of Engineering Geologists is (201)

a. a professional group.
b. an organized labor group.
c. an ethnic group.
d. an economic group.

_____ 5.29. The Christian Coalition of Texas primarily engages in political action in support of (203)

a. the Democratic Party.
b. the Republican Party.
c. the Libertarian Party.
d. the Green Party.

_____ 5.30. The Texas Faith Network was formed to combat the activities of the (203)

a. Communist Party.
b. Roman Catholic Church.
c. Baptist General Convention of Texas.
d. Christian Coalition.

_____ 5.31. An interest group that focuses on issues involving environmental, consumer, political participation, or civil rights affairs is most likely to be classified as a(n) (203-204)

a. business group.
b. professional group.
c. public-interest group.
d. economic-interest group.

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_____ 5.32. According to Texas legislators, the most influential interest groups operating in the Lone Star State include (204)

a. public interest groups.
b. ethnic interest groups.
c. business-oriented trade associations.
d. associations of university professors.

_____ 5.33. The Texas Medical Association is a an interest group with (205)

a. half a million members.
b. a poor record for passing its agenda items.
c. an unskilled lobbying team.
d. a well-organized grassroots network.

_____ 5.34. The first task of the lobbyist is to (207)

a. bribe selected government officials.
b. mobilize voters.
c. influence public opinion.
d. gain access to legislators and other government decision-makers.

_____ 5.35. Among the main techniques of lobbyists is (207)

a. personal communication.
b. bribery.
c. blackmail.
d. computer fraud.

_____ 5.36. A professional lobbyist representing an interest group will rely heavily on a grassroots network that can be employed to impress legislators with (207)

a. the image of broad public support for the group's goals.
b. the danger of personal harm if the group's will is thwarted.
c. the opportunity for personal enrichment if the group's demands are granted.
d. their own weakness and incompetence.

_____ 5.37. Texas statutes prohibit financial contributions by corporations and labor unions to (210)

a. law schools.
b. political science research institutes at state universities.
c. candidates for public office.
d. nonpolitical public service organizations.

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_____ 5.38. PACs raise funds and distribute campaign contributions to candidates who (210)

a. are prohibited by law from using personal funds to cover campaig expenses.
b. are sympathetic to a PAC's cause.
c. are most deserving because of a record of public service.
d. do not receive financial support from a political party.

_____ 5.39. The Sharpstown Bank scandal in the 1970s involved (212)

a. Governor Dolph Briscoe.
b. Lieutenant Governor Bill Hobby.
c. House Speaker Gus Mutscher.
d. House Speaker Bill Clayton.

_____ 5.40. Ethics legislation enacted by the 72nd Texas Legislature in 1991 (213)

a. bans all lobbying activities.
b. places an annual cap on lobbyist-provided food and drinks for legislators.
c. allows one lobbyist-paid vacation trip per legislator per year.
d. limits honoraria paid to legislators to $1,000 per speech.

_____ 5.41. The Texas Ethics Commission's web site lists the names of lobbyists and (213)

a. members of their staff.
b. their spouses.
c. their clients.
d. their bankers.

_____ 5.42. Generally, states that are urbanized and industrialized have (215)

a. strong interest groups and weak political parties.
b. strong political parties and relatively weak interest groups.
c. strong political parties and strong interest groups.
d. weak interest groups and weak political parties.

_____ 5.43. Texas is best characterized as a state with (215)

a. strong interest groups and weak political parties.
b. strong political parties and weak interest groups.
c. strong political parties and strong interest groups.
d. weak interest groups and weak political parties.

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_____ 5.44. The authors of *Practicing Texas Politics* suggest that the strength of interest groups in Texas is, in part, a result of (215)

a. the influence of ethnic minorities.
b. a predisposition of Texans to mistrust government.
c. a strong socialist influence.
d. a pronounced lack of self-reliance among Texans.

_____ 5.45. When dealing with public issues, organized interest groups often put the unorganized Texas citizenry (216)

a. at a great disadvantage.
b. on an equal footing.
c. on a slightly unequal footing.
d. at a modest disadvantage.

D. Multiple-Choice Questions on Readings (with textbook page numbers)

_____ 5.46. At the heart of the controversy concerning PGA Village is the concern of many San Antonio residents for the city's (219-220)

a. water supply.
b. ozone levels.
c. traffic congestion.
d. crime rate.

_____ 5.47. In an effort to kill the PGA Village project, opponents launched (221-222)

a. a campaign of terrorism against members of San Antonio's city council.
b. a petition drive.
c. a third-party movement.
d. a rival project to build municipal golf courses.

_____ 5.48. Texas Republicans accuse critics representing consumer groups as being fronts for personal-injury trial lawyers and (224)

a. Communists.
b. Libertarians.
c. Greens.
d. Democrats.

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_____ 5.49. Texans for Public Justice receives most of its funding from (225)

a. foundations.
b. the Democratic Party.
c. the National Rifle Association.
d. the Republican Party.

_____ 5.50. According to the Texas Municipal League, persons wishing to influence a legislator should also get to know (226)

a. the legislator's spouse.
b. as many lobbyists as possible.
c. members of the legislator's staff.
d. House and Senate doorkeepers.

_____ 5.51. According to the Texas Municipal League, the best place to express disagreement with a legislator is in (228)

a. a private conference.
b. a public forum.
c. a newspaper ad.
d. a mass demonstration by employees or interest group members.

E. Completion Questions on Text Material (with textbook page numbers)

5.52. Interest groups try to build _____ with other groups whose interests are identical or closely related on one or more issues. (195)

5.53. An interest-group organization is almost invariably composed of an active minority and a _____ majority. (197)

5.54. LULAC is one of the groups representing _____ in Texas. (202)

5.55. The League of Women Voters is an example of a _____ organization that promotes greater political participation and public understanding of governmental issues. (203)

5.56. Cecile Richards played a leading role in organizing the Texas Freedom Network to oppose the _____ Coalition. (203)

5.57. Texans for Public Justice is an example of a _____ interest group. (204)

5.58. Interest groups that have been politically influential over a long period of time are often referred to as "_____ players." (204)

5.59. The city in which Texas's powerful interest groups are likely to have their headquarters is _____. (204)

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5.60 Among all states in the United States, Texas ranks second to _____ in the number of registered lobby groups. (207)

5.61. Pressure on legislators and other decision makers from a grassroots network of organization members and sympathizers is a technique often referred to as _____ lobbying. (209)

5.62. Former legislators and other government officials who leave government service and immediately begin lobbying are referred to as "revolving-_____" lobbyists. (214)

5.63. As a result of unsuccessful efforts to reform campaign financing in the Lone Star State, columnist Mollie Ivins has stated, "Texas is the _____ Frontier of campaign financing." (214)

F. Completion Questions on Readings (with textbook page numbers)

5.64. The San Antonio controversy over PGA Village began on 9 March 2001, when a _____ was filed in the Texas Senate. (219)

5.65. American Indians at the San Antonio Colonial Missions opposed any development in the area near Cibolo Creek because it had always been deemed _____. (220)

5.66. Reggie James, head of a local branch of the Consumers Union, stated that it doesn't matter whether Democrats or Republicans control the Texas Legislature, because "_____ has always dominated everything." (224)

.67. Common Cause director Suzie Woodford notes that her organization's motto is "No permanent friends, no permanent _____." (225)

.68. Although a telephone call or letter can be productive for influencing a legislator, the Texas Municipal League suggests that personal _____ contact is the most effective approach. (227)

.69. The Texas Municipal League recommends that legislators should be _____ regularly and publicly for their work, support, and votes. (228).

G. Essay Questions (with textbook page numbers)

1. Write an essay on the following topic: "The Importance of Interest Groups in State Government." Explain why interest groups have been created, identify differences from and similarities to political parties, and discuss reasons why interest groups have proliferated in Texas. (194-196)

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2. Write an essay on "Organization of Interest Groups" in which you describe organizational patterns, membership characteristics, and leadership (196-198)
3. Name two Texas organizations within each of the following categories: labor unions, trade associations, professional groups, and public interest groups. Then explain why you would tend to support or oppose the activities of these organizations. (199-204)
4. Describe the lobbying activities of interest groups along with two other interest-group techniques. Comment on positive and/or negative aspects of these activities, and speculate on your own possibilities for interest-group participation in the years ahead. (206-212)
5. Write an essay on Regulation of Interest Groups in Texas." In your essay, explain why you think there is too much regulation or insufficient regulation. (213-214)
6. Write an essay entitled "Interest-Group Power in Texas." In your essay, explain why interest groups are powerful in Texas; and speculate on the future of interest groups in the Lone Star State. Indicate why you believe that some will grow stronger, others will become weaker, and some will retain their current status. (215-216)
7. Using data in the How Do We Compare box on at the bottom of page 211, rank the 8 states in descending order according to percentage of PAC contributions given to Democrats in the 2002 congressional election. Then note the geographic region for each state: Southwest: Oklahoma, Texas, and New Mexico; South: Arkansas, Florida, and Louisiana; Northeast: New York; and Pacific Coast, California. What regional differences and similarities do you observe?

III. Applying Your Knowledge

A. Outside Readings and Cartoons

1. From the endnotes for this chapter or from the updated bibliography of selected sources accessible through the Houghton Mifflin Political Science home page (politicalscience.college.hmco.com), choose a magazine article or a journal article and write a summary of it.
2. From the endnotes for this chapter or from the updated bibliography of selected sources accessible through the Houghton Mifflin Political Science home page (politicalscience.college.hmco.com), choose a book and write a summary of one of its chapters.
3. In a Texas newspaper, find an editorial that relates to the politics of interest groups in Texas. Summarize that editorial, and explain why you agree or disagree with the writer's point of view.

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4. Find a newspaper article concerning interest-group politics. Summarize the article, and describe what you do and/or do not like about this piece of reporting.
5. Interpret one of this chapter's cartoons (or another cartoon related to interest groups), and explain why you agree or disagree with the cartoonist's point of view.
6. Explore two or more of the web sites listed among sources for this chapter. Then select one site and write a brief note outlining how its information contributes to your understanding of the politics of interest groups in Texas.

B. Internet Research Project

Objectives

1. To explain the functions of the Texas Ethics Commission.
2. To enhance student understanding of the number of lobbyists and special interests in the state.
3. To develop an understanding of the domain name system (DNS).

URL. http://www.ethics.state.tx.us

Description of the Site. The Texas Ethics Commission maintains this web site. Created in 1991 by the 72nd Legislature, the commission has several responsibilities. Among its duties are assuring accurate and timely filings of personal financial statements by elected and appointed officials and certain agency administrators, supervising the conduct of elected and appointed officials and all state employees to insure that they are in compliance with state ethics laws, overseeing filings and expenditures of political action committees, and monitoring political contributions, expenditures, and political advertising.

In 2000, the Ethics Commission became responsible for monitoring and enforcing electronic filing of campaign expenditures and contributor lists for all statewide candidates and officeholders, as well as state legislators and members of the State Board of Education. Additionally, this appointed commission regulates lobbyist registration and activities.

Individuals who directly contact a legislator or bureaucrat to influence a decision about legislation, rule making, or related activities are lobbyists. Most of these individuals must register with the Ethics Commission. Registration laws are complex. They are found in Chapter 305 of the *Texas Government Code,* which is available on this site. Additionally, individuals with questions about how ethics laws and regulations should be interpreted can ask the commission for an opinion or interpretation. These opinions may be accessed at this site.

Under a legislative mandate, Ethics Commission staff members have developed a database of information filed with the agency which is available on the

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commission's web site. Information is categorized in several ways. There are alphabetized lists of (1) all registered lobbyists and their clients and (2) all clients and their lobbyists. There is also a list of all lobbyists sorted by subject matter. In addition, information about political action committees and political campaign contributions and expenditures is available.

The internet is a dynamic, ever-changing environment. If any of the links and instructions need to be adjusted please consult the textbook web site for updates of this exercise (http://college.hmco.com/polisci/brown/prac_tex_pol/12e/students/index.html).

Use of Information. Lobbyists in the state of Texas represent many interests that range from local governments to abortion rights activists to businesses. Some lobbyists represent more than one group. Many companies and interest groups employ more than one lobbyist.

1. Go to the Ethics Commission's home page. In the section labeled "Disclosure Filing" click on "Filer Lists." Then click on "Lobby Lists" to access the index for the different databases for lobbyists.

2. Locate the most current section labeled "List of Registered Lobbyists with Clients, sorted by Clients." Click on Part III (M-S). Clients can be (a) companies, (b)individuals, or (c) interest groups such as those listed in *Practicing Texas Politics,* p. 200 (Table 5.1), p. 201 (Table 5.2), and p. 204 (Table 5.3).
 a. Locate one company; list its name and the number of lobbyists representing it.

 b. Locate one individual; list that individual's name and the number of lobbyists representing him or her.

 c. Locate one interest group; list that interest group's name and the number of lobbyists representing it.

3. Identify one lobbyist, by name, representing each of the clients listed above.
 a. _____
 b. _____
 c. _____

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4. Return to the page labeled "List of Registered Lobbyists" and check the "List of Registered Lobbyists (without client information," which is sorted by lobbyists. The list is alphabetized by the lobbyists' last names. Go to the correct part for each lobbyist you have listed in #3. Determine how many other clients each of the lobbyists has.

 a. _____

 b. _____

 c. _____

Internet Research Tip. You may have noticed that the URL for the Texas Ethics Commission ends with **state.tx.us**. This part of the commission's URL is the result of the domain name system (DNS). The DNS is a way of organizing servers on the Internet by the purposes of their organizations or their geographical location. It is a translation of the Internet Protocol (IP) address, or series of numbers, assigned to each computer (or host) on the Internet. Domain names translate the numbers into more easily remembered words and numbers.

The URL for all Texas state governmental units and agencies ends with **state.tx.us**. This designation is a geographical domain which shows that the governmental unit is in the United States. Community colleges in the state also use a geographical domain that includes **cc.tx.us** in their URLs. However, senior colleges and universities throughout the United States generally end their URLs with **.edu**. This designation is called an organizational domain. Both the geographical and organizational domains are top-level domains (TLDs). All URLs that end with the top-level domain of **.edu** are educational institutions. Other top-level organizational domains include **.org** (nonprofit organizations), **.net** (network organizations that serve as hosts for individual users), **.com** (for-profit entities), **.int** (international organizations), **.gov** (federal governmental entities), and **.mil** (military). These top-level organizational domains are consistent for individuals and organizations within the United States. Foreign servers use different TLDs.

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Answers

True-False: Text

5.1. T
5.2. T
5.3. F
5.4. F
5.5. T
5.6. T
5.7. T
5.8. T
5.9. F
5.10. T
5.11. T
5.12. T
5.13. F
5.14. T
5.15. T

True-False: Readings

5.16. F
5.17. T
5.18. T
5.19. F
5.20. F
5.21. F

Multiple-Choice: Text

5.22. c
5.23. a
5.24. c
5.25. c
5.26. b
5.27. d
5.28. a
5.29. b
5.30. d
5.31. c
5.32. c
5.33. d
5.34. d
5.35. a
5.36. a
5.37. c
5.38. b
5.39. c
5.40. b
5.41. c
5.42. b
5.43. a
5.44. b
5.45. a

Multiple-Choice: Readings

5.46. a
5.47. b
5.48. d
5.49. a
5.50. c
5.51. a

Completion: Text

5.52. coalitions
5.53. passive
5.54. Latinos
5.55. nonpartisan
5.56. Christian
5.57. public
5.58. repeat
5.59. Austin
5.60. California
5.61. grassroots
5.62. door
5.63. Wild

Completion: Readings

5.64. bill
5.65. sacred
5.66. business
5.67. enemies
5.68. face-to-face
5.69. thanked

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CHAPTER SIX

The Legislature

I. Preparing to Study

A. Performance Objectives

After studying and reviewing the text and readings in this chapter, you will be able to:

1. Outline the constitutional qualifications for members of the Texas House of Representatives and Senate.
2. Outline the bases of representation for the Texas House and Senate, and describe the process of redistricting.
3. Discuss all aspects of compensation for members of the Texas Legislature, including pay, per diem allowance, contingency expense allowances, and retirement pensions.
4. Profile the House and Senate memberships, including race and gender, political party affiliation, age, occupation, education, religious affiliation, and legislative experience.
5. List different types of resolutions and bills; indicate the majorities required for adopting or passing each type; and explain the purpose of each type.
6. Identify and describe the powers of the House and Senate that only relate indirectly to the lawmaking function.
7. Describe the functions and powers of the presiding officers of the House and the Senate.
8. Describe the House and Senate committee systems.
9. Identify important House and Senate caucuses, and give reasons for the existence of these caucuses.
10. Outline the steps whereby a bill becomes a law.
11. Identify various influences on the legislative process, and explain the importance of each in the making of public policy.
12. Speculate on prospects for meaningful reform of the Texas Legislature in the near future.

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B. Overview of the Text (pp. 230-276)

Members of the Texas Legislature are popularly elected. The laws that they enact affect the life, liberty, and property of every Texan.

A Preliminary View (pp. 230-231). The legislative process involves heated political conflict, frustrating delays, and many compromises.

Legislative Framework (pp. 231-240). Texas has a bicameral legislature. The Senate has 31 senators, who are elected for terms of four years; the House has 150 representatives, who are elected for terms of two years. Regular sessions, lasting not more than 140 days, begin in January of odd-numbered years. The governor calls special sessions, limited to not more than 30 days.

After every federal census taken at the beginning of each decade, the legislature is supposed to redistrict itself during the regular session of the following year. If the legislature fails to carry out this districting task, the five-member Legislative Redistricting Board must do the work. Regardless of which body does the redistricting, one or more political parties or interest groups are certain to challenge every districting plan in state and/or federal courts.

Compensation (pp. 240-242). Legislators receive an annual salary of $7,200. A per diem allowance is set by the Texas Ethics Commission. Travel and contingency expenses (such as staff salaries, postage, and office operating costs) are authorized by each chamber. The minimum retirement age is 50 for legislators who have served for 12 or more years.

Membership (pp. 243-249). U.S. citizenship, status as a qualified voter, and residence in the district for at least one year before election are constitutional requirements for all legislators. A representative must be at least 21 years of age and a senator at least 26. The minimum state-residency requirements are two years for representatives and five years for senators.

Although the numbers of Republicans, women, Latinos, and African Americans in the legislature significantly increased between 1971 and 2003, most legislators are Anglo males. Both senators and representatives are usually native Texans who have attended at least one college or university. About a third of all Texas legislators are practicing lawyers. Roman Catholic legislators constitute the most numerous religious group. Usually, the turnover rate has been between 10 and 20 percent in recent years.

Powers and Immunities (pp. 250-253). Legislative powers include authority to adopt simple resolutions involving the affairs of a single chamber and joint resolutions that require approval by both houses. Concurrent resolutions and bills must

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pass the House and Senate before being sent to the governor, who may sign a measure, allow it to become law without signing, or veto it. Other important powers, some of which relate only indirectly to lawmaking, include the power to propose amendments to the Texas Constitution, to exercise control over administrative agencies through appropriations and requests for reports from agency heads, to investigate any governmental matter, and to remove high-ranking executive and judicial officials. Removal power is exercised through adopting an impeachment resolution by a simple majority vote of the House and obtaining a conviction by a two-thirds majority vote of the Senate. The Texas Constitution grants legislators immunity from slander suits for statements made in the course of any legislative proceeding. During a legislative session, a legislator may not be arrested unless charged with "treason, felony, or breach of peace."

Presiding Officers (pp. 253-257). The president of the Senate is the lieutenant governor, who is popularly elected. Lieutenant Governor Rick Perry became governor after Governor George W. Bush was elected U.S. President in 2000. Subsequently, Bill Ratliff was elected by Senate members to serve as acting lieutenant governor until January 2003. Ratliff was replaced by David Dewhurst, who had been elected by Texas voters in November 2002.

State representatives elect a speaker, who serves as presiding officer of the House. Democrat Gib Lewis held that office for five terms (1983–1993); Democrat Pete Laney was elected for his first term as speaker in 1993 and served until 2003. He was replaced by Republican Tom Craddick after the GOP obtained a House majority in the November 2002 election.

Committee System (pp. 257-259). The speaker of the House and the president of the Senate name committee chairs in their respective chambers. Both presiding officers designate committee members, but the speaker's appointment power is restricted by a limited seniority system.

Legislative Caucus System (pp. 259-261). Caucuses of like-minded legislators have had a limited impact on the legislature. Democratic and Republican caucuses exist in both the House and the Senate. The Texas Conservative Coalition was organized in 1985; the liberal Legislative Study Group was organized in 1993; and racial/ethnic caucuses have been formed by both African Americans and Mexican Americans.

Procedure (pp. 262-270). The procedure through which a bill becomes a law involves introduction and first reading, assignment to a standing committee by the presiding officer, committee consideration and report, floor debate, a first vote on the second reading, and a second vote on the third reading. These actions must be

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taken by both houses. In the event of disagreement over an amendment added in the second house, a bill may be sent to a conference committee composed of five representatives and five senators. If the conference committee's report is accepted by both the House and Senate, the measure goes to the governor, who can sign it, allow it to become law without signature, or kill it with a veto.

Influences within the Legislative Environment (pp. 270-275). Legislators usually do not press for passage of a bill if the governor has indicated that it will be vetoed. Any legislator may request an opinion on the constitutionality of a bill from the attorney general of Texas. Most bills are affected by the influence of one or more lobbyists representing special interest groups. Although the lobby is an informal, extraconstitutional institution, lobbyists are so powerful that collectively they are called the "Third House." Registration and reporting regulations have been imposed for identifying lobbyists and publicizing certain information about the amounts of money spent for lobbying.

When the legislature is in session, the House Research Organization publishes a daily report in which important bills are analyzed. This independent research body also produces special reports on important policy issues. The Senate Research Center analyzes bills and responds to senators' requests for research and information. Serving members of both chambers is the Legislative Council, which aids in the drafting of bills, provides computer services, and serves as a research and information source. The Center for Public Policy Priorities and the Texas Public Policy Foundation are independent think tanks that provide public policy research and analysis.

Progress Toward Legislative Reform (p. 275). Although some legislative reforms have been made in recent years, there is no indication that Texans are ready for fundamental changes. And as in earlier years, well-financed lobbyists remain at the center of the lawmaking process.

Looking Ahead (pp. 275-276). As a result of the 2000 elections, Republicans kept their majority in the Senate and gained control of the House. But since the GOP leadership seeks to increase the powers of the governor, one can expect that legislative influence will decrease in the years ahead. Meanwhile, constitutional change in legislative organization is not likely.

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C. Key Terms and Concepts (with textbook page numbers)

unicameral (231)
bicameral (231)
regular session (234)
special session (234)
redistricting (234)
gerrymandering (235)
single-member district (236)
multimember district (236)
simple resolution (250)
concurrent resolution (250)
joint resolution (250)
bill (251)
senatorial courtesy (252)
impeachment (253)
president of the Senate (254)
speaker (255)
substantive committee (257)
procedural committee (258)
select committee (259)
standing committee (259)
special committee (259)
parliamentarian (262)
companion bill (265)
ghost voting (267)
chubbing (267)
filibustering (269)
conference committee (269)

D. Overview of the Readings (pp. 280-291)

6.1. "Legislative Redistricting and Electoral Results in the 21st Century: Texas and California" by Lyle C. Brown and Jerry Wilkins (pp. 280-284)

Legislative redistricting in Texas and California, following the 2000 census, painted two different pictures of political party interaction. In Texas, neither a House nor a Senate redistricting bill was enacted. Thus, the Legislative Redistricting Board redistricted the Lone Star State's House and Senate. Subsequently, the House redistricting plan was modified by a three-member panel of federal judges; and Republicans won healthy majorities in both chambers in the 2002 election.

In California, a confluence of interests between the Democrats and Republicans led to cooperative redistricting plans for both legislative chambers. The Golden State's legislature decided to eliminate most partisan competition, making almost all legislative districts "safe," so Democrats maintained control over both the Senate and the Assembly after the 2002 election. Thus, Texas and California provide different models of legislative redistricting and different electoral results.

6.2. "Watch Him Pull a Rabbit out of Hat" by Christy Hoppe (pp. 284-287)

Ron Wilson (D-Houston) is 26-year veteran House member. He is a champion of controversial issues as diverse as school vouchers, concealed handguns, and payment of reparations to African Americans whose ancestors were slaves. This African-American legislator has intimate knowledge of rules of procedure and a

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long-term agenda. Even those who disagree with him politically voice admiration for his abilities and for the legislative results that he generates.

6.3. "Foundation Erred in Invoking Names" by Laylan Copelin (pp. 287-291)

The Texas Public Policy Foundation (TPPF) was criticized because of its letter to Austin lobbyists soliciting funds for the foundation's "Legislative Policy Orientation for 2003." In the opinion of some critics, this offer of an "insider's look" at upcoming legislative initiatives implied a relationship between paying $5,000 to $100,000 to the TPPF and gaining access to top-level state Republican officials. The solicitation seemed to have the endorsement of Governor Rick Perry, Lieutenant Governor-elect David Dewhurst, and House Speaker-apparent Tom Craddick. After the letter was made public, however, these officials denied that they had approved use of their names to promote the conference. Concerning the controversial letter, TPPF's government relations director stated, "We made a mistake."

II. Testing Your Knowledge

A. True-False Questions on Text Material (with textbook page numbers)

_____ 6.1. Traditionally, the legislature has been the most heavily criticized and ridiculed branch of Texas government. (230)

_____ 6.2. A Texas state senator may be expelled by a two-thirds majority vote of the membership of the Senate. (234)

_____ 6.3. Special sessions of the Texas Legislature are called by the lieutenant governor. (234)

_____ 6.4. In *Reynolds* v. *Sims* (1964), the U.S. Supreme Court held that apportionment of both houses of a bicameral state legislature must be based on population. (235)

_____ 6.5. Members of the Texas Senate have always been elected to represent single-member districts. (236)

_____ 6.6. Compensation of state legislators is *not* mentioned in the Texas Constitution. (240)

_____ 6.7. Members of the Texas Legislature are *not* covered by a state retirement program. (242)

_____ 6.8. Compared with the number of men in the Texas Legislature, the number of women is disproportionately low. (246)

_____ 6.9. Most of Texas's African-American and Latino legislators have been Democrats. (247)

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_____ 6.10. In recent years, nearly all Texas state senators and representatives have had college and university degrees. (248)

_____ 6.11. Because the Texas Constitution contains a detailed requirement for separation of church and state, religion is never a factor in formulating public policy in the legislature. (248)

_____ 6.12. A concurrent resolution adopted by the legislature and signed by the governor is employed to authorize an individual to sue the state of Texas. (250)

_____ 6.13. In Texas, impeachment and removal from state office automatically result in a five-year prison sentence. (253)

_____ 6.14. The president of the Texas Senate is elected by state senators at the beginning of each regular session. (254)

_____ 6.15. The speaker is chosen by members of the Texas House of Representatives, but lobbyists try to influence this legislative election. (255)

_____ 6.16. Neither a racial caucus nor an ethnic caucus has been formed in the Texas Legislature. (261)

_____ 6.17. The "Memorial Day Massacre" took place in May 1997, when Representative Arlene Wohlgemuth raised a point of order in the House. (262)

_____ 6.18. The caption of a bill is read aloud by the parliamentarian on the first reading of a House bill. (265)

_____ 6.19. House rules require a simple majority vote to amend a bill at the third reading. (267)

_____ 6.20. Filibustering in the Texas Senate is most successful if undertaken during the last days of a legislative session. (269)

_____ 6.21. In the Texas Legislature, a conference committee is composed of five senators and ten representatives. (269)

_____ 6.22. After the end of a legislative session, the governor of Texas has only ten days, counting Sundays, in which to veto a bill. (270)

_____ 6.23. The House Research Organization produces its *Daily Floor Report* during each legislative session. (273)

B. True-False Questions on Readings (with textbook page numbers)

_____ 6.24. In 2001, both House and Senate redistricting bills were passed by the Texas Legislature. (280)

_____ 6.25. Neither an Assembly nor a Senate redistricting bill was passed by the California Legislature in 2001. (282)

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_____ 6.26. Representative Ron Wilson has passed many important bills despite his ignorance of parliamentary procedure and House rules. (286)

_____ 6.27. Representative Ron Wilson claims that his bills are designed to better the lives of his inner-city constituents. (286)

_____ 6.28. The Texas Public Policy Foundation was criticized for seeking a legislative appropriation to fund its "Legislative Policy Orientation for 2003." (288-289)

_____ 6.29. The government relations director for the Texas Public Policy Foundation refused to admit that TPPF had made a mistake when it mailed to lobbyists a solicitation letter that appeared to have the endorsement of high-ranking state officials. (289)

C. Multiple-Choice Questions on Text Material (with textbook page numbers)

_____ 6.30. Compared with the regular term of office for a Texas state senator, the term of a state representative is (234)

a. half as long.
b. twice as long.
c. one-third as long.
d. of equal length.

_____ 6.31. A special session of the Texas Legislature may be called (234)

a. only in odd-numbered years.
b. whenever the speaker and the lieutenant governor choose to issue a call.
c. only in even-numbered years.
d. whenever the governor chooses to issue a call.

_____ 6.32. Failure of the Texas Legislature to redistrict during the first regular session following a decennial census brings into operation the (235)

a. Legislative Council.
b. House Research Organization.
c. Legislative Redistricting Board.
d. Sunset Advisory Commission.

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_____ 6.33. Use of single-member districts for electing members of the Texas House of Representatives has (237)

a. made election campaigns more expensive for House candidates.
b. increased the probability that minority candidates will win House seats.
c. reduced Republican representation in the House.
d. reduced opportunities for personal contact between representatives and their constituents.

_____ 6.34. The per diem allowance for Texas legislators is set by (240)

a. the Legislature.
b. the governor.
c. the Texas Ethics Commission.
d. the comptroller of public accounts.

_____ 6.35. Each member of the Texas Legislature is provided with a contingency expense allowance that is used for items such as (243)

a. food consumed during a legislative session.
b. salaries for staff personnel.
c. rent for an Austin apartment.
d. medical and dental care.

_____ 6.36. Constitutional qualifications for Texas state senators and representatives differ with regard to (243)

a. U.S. citizenship.
b. age.
c. voter qualifications.
d. length of residence within the district to be represented.

_____ 6.37. From 1961 to 2001, Republican representation in the Texas Legislature (244)

a. remained at roughly the same level.
b. increased greatly.
c. decreased greatly.
d. decreased slightly.

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_____ 6.38. Once elected to a seat in the Texas Legislature, there is a tendency for (248)

a. representatives to seek a second term and for senators to retire after serving one term.
b. senators and representatives to serve for roughly the same number of years.
c. senators and representatives to serve until the age of 65.
d. senators to remain in the Senate longer than representatives remain in the House.

_____ 6.39. Most appointments made by the governor of Texas must be approved by a vote of two-thirds of (252)

a. senators and representatives present.
b. senators present.
c. representatives present.
d. neither senators nor representatives.

_____ 6.40. Under terms of the Texas Constitution, impeachment charges against certain judicial and executive officials are brought by a simple majority vote of (253)

a. senators and representatives sitting together in a joint session.
b. representatives present.
c. senators present.
d. the Supreme Court.

_____ 6.41. The constitutional immunity guaranteed to Texas state senators and representatives extends to statements made during the course of a (253)

a. judicial proceeding in a court of law.
b. primary election campaign.
c. floor debate in a legislative chamber.
d. general election campaign.

_____ 6.42. In Texas, the lieutenant governor's most important function is to serve as the (254)

a. secretary of the Senate.
b. president of the Senate.
c. president pro tempore of the Senate.
d. permanent speaker pro tempore of the House.

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_____ 6.43. First in line of succession in the event of the death of the governor of Texas is the (254)

a. parliamentarian of the Senate.
b. chief justice of the Supreme Court of Texas.
c. speaker of the House of Representatives.
d. lieutenant governor.

_____ 6.44. After serving as speaker for five terms (1983–1993), Gib Lewis became (256)

a. a professor of political science at Texas Christian University.
b. the U.S. consul in Manzanillo, Mexico.
c. a lobbyist.
d. a member of the Texas Board of Criminal Justice.

_____ 6.45. Chairs of standing committees and special committees in the Senate are (259)

a. elected by members of their respective committees.
b. appointed by the lieutenant governor.
c. appointed by the president pro tempore of the Senate.
d. appointed by the secretary of the Senate.

_____ 6.46. Any Texas House member may introduce a bill by filing copies with the (265)

a. speaker.
b. chair of the committee that has been given jurisdiction over the subject covered.
c. permanent speaker pro tempore.
d. chief clerk.

_____ 6.47. A bill that has passed on a second reading in the Texas House can have its third reading immediately if the House rules are suspended by a (267)

a. simple majority vote.
b. two-thirds majority vote.
c. three-fourths majority vote.
d. four-fifths majority vote.

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_____ 6.48. After a Texas House bill is passed on the third reading in the House, a statement certifying passage is added by the (268)

a. chief clerk.
b. speaker of the House.
c. reading clerk.
d. speaker pro tempore.

_____ 6.49. Texas's political history reveals that significant reform and pressure for ethical conduct usually come only after (276)

a. a presidential election.
b. a gubernatorial election.
c. a highly publicized scandal.
d. widespread rioting by dissident citizens.

D. Multiple-Choice Questions on Readings (with textbook page numbers)

_____ 6.50. After the 2001 regular legislative session, redistricting plans for the Texas House and Senate were prepared by the (281)

a. Supreme Court of Texas.
b. U.S. Supreme Court.
c. House speaker and Senate president.
d. Legislative Redistricting Board.

_____ 6.51. In 2001, California's Assembly and Senate districts were redrawn to (283)

a. punish Democrats.
b. punish Republicans.
c. create "safe" seats for incumbents.
d. guarantee litigation that would reach the U.S. Supreme Court.

_____ 6.52. Representative Ron Wilson wants to (286)

a. give 16-year-olds the right to vote.
b. lower the drinking age to 16.
c. privatize all public schools.
d. abolish the Texas lottery.

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_____ 6.53. One of Representative Ron Wilson's goals is forcing (285)

a. Austin to reopen its Robert Mueller Airport.
b. Mexico to open its border to free trade.
c. the descendents of African slaves to pay reparations to descendents of their former masters.
d. airport security guards to use racial profiling to identify members of the Ku Klux Klan.

_____ 6.54. The founder of the Texas Public Policy Foundation is (290)

a. Dr. James Leininger.
b. Craig McDonald.
c. Wendy Gramm.
d. Michael Quinn Sullivan.

_____ 6.55. Because a majority of members of the Texas Legislature were expected to attend the Texas Public Policy Foundation's "Legislative Policy Orientation for 2003," it had to be open to anyone because of the state's (291)

a. fire codes.
b. concealed weapons law.
c. open meetings law.
d. right to work law.

E. Completion Questions on Text Material (with textbook page numbers)

6.56. Terms of members of the Texas House of Representatives begin in January of each _____-numbered year. (234)

6.57. Regular sessions of the Texas Legislature are limited to one every _____-numbered year. (234)

6.58. Drawing legislative district boundaries in ways that unfairly benefit a group or a political party is called _____. (235)

6.59. Rhode Island and New Hampshire are examples of states where legislators are paid salaries that are _____ than the salaries of Texas legislators. (240)

6.60. The Texas Constitution specifies that a state senator must be at least _____ years of age. (243)

6.61. The first African American elected to the Texas Senate in the twentieth century was Barbara _____. (245)

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6.62. Within the metropolitan areas of Texas, Republican senators and representatives have received their strongest support from voters living in _____ areas. (247)

6.63. Ordinarily, if a Texas lawyer-legislator is retained to represent a client whose trial is set for a date during a legislative session, that legislator may obtain postponement of the trial by asking for a _____. (247)

6.64. A _____ resolution abbreviated "HR" involves action by the Texas House of Representatives only. (250)

6.65. A local bill disguised as a general bill but applying to a single unit of local government falling within a narrow range of population is called a _____ bill. (236)

6.66. To obtain information on problems requiring remedial legislation, a legislative investigating committee may _____ witnesses. (252)

6.67. As House speaker in the 73rd Legislature, Pete Laney ended the practice of bringing _____ machines into the Capitol. (256)

6.68. The ideological _____ Coalition is composed of both Republicans and conservative Democrats. (261)

6.69. At the second reading stage, after Texas House floor debate on a bill has ended and any amendments have been approved, a vote is taken on passage to _____. (267)

6.70. After a bill has passed in the Texas House and Senate, it may be killed by a gubernatorial _____. (269)

6.71. The attorney general of Texas has an opportunity to influence legislation when asked to issue an _____ on the constitutionality of a bill. (271)

6.72. Authorizing special research projects by its staff is one of the functions of the Texas Legislative _____. (273)

6.73. In addition to conducting research in diverse areas, the Texas Senate Research Center performs the bill _____ function. (274)

F. Completion Questions on Readings (with textbook page numbers)

6.74. Following redistricting in 2001, the Texas House elected a Republican speaker in 2003 for the first time since the end of the _____ era. (282)

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6.75. Bipartisan redistricting cooperation in California in 2001 has been attributed to "a mutual fear of the unknown" that produced an example of "_____ politics." (283)

6.76. Representative Ron Wilson wants to turn the Houston Astrodome into a state _____. (285)

6.77. Representative Harvey Hildebran attributes Representative Ron Wilson's abilities to his membership on the leadership _____ of three House speakers. (287)

6.78. Sponsorship levels for the Texas Public Policy Foundation's "Legislative Policy Orientation for 2003" were named after U.S. _____. (288)

6.79. A fund-raising letter soliciting lobbyists' financial support for the TPPF's "Legislative Policy Orientation for 2003" listed the name of each lobbyist's top _____. (289)

G. **Essay Questions** (with textbook page numbers)

1. Write an essay entitled "Constitutional Provisions Concerning Regular and Special Sessions of the Texas Legislature." Include criticisms of these provisions, and explain why you recommend making changes or maintaining the current arrangement. (234)
2. Write an essay entitled "Redistricting the Texas Legislature at the Beginning of the Twenty-first Century." (235-239)
3. Assume that you are briefing a group of students who will be visiting the Texas House and Senate for the first time. What will you tell them concerning constitutional requirements for House and Senate members and concerning characteristics of the membership of each chamber? (243-249)
4. Outline the principal powers and immunities of members of the Texas Legislature, and explain why you believe these powers and immunities should be retained, increased, decreased, or abolished. (250-253)
5. Describe the principal powers of the president of the Texas Senate. (254-255)
6. List the principal powers of the speaker of the Texas House of Representatives, and describe the process whereby the speaker is elected. (255-257)
7. Describe the committee systems of the Texas House and Senate. Then suggest possible reforms or explain why you believe the systems should remain unchanged. (257-259)
8. Identify the major caucuses that have been established in the Texas Legislature. Then explain why these caucuses have been organized, and comment on their effectiveness. (259-261)

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9. Outline and briefly describe the procedural steps beginning with introduction of a bill in the Texas House of Representatives and ending with possible actions by the governor after passage by both the House and the Senate. (262-270)
10. Identify the principal sources of influence in the legislative environment, and explain why you believe that these influences are or are not conducive to effective policymaking by the Texas Legislature. (270-275)
11. In bicameral legislatures, the Senate always has fewer members than the other chamber. Using data in the How Do We Compare Box at the bottom of page 233 of this chapter, determine the ratio of Senate seats to House or Assembly seats in each state. Calculate this ratio to the nearest tenth by dividing the number of House or Assembly seats by the number of Senate seats. For example, the ratio for Texas is 1 to 4.8. To compare Texas with other states, rank the 8 states with bicameral legislatures in descending order of their Senate to House ratios.
12. Using data in the How Do We Compare Box at the top of page 241 of this chapter, rank the states in descending order according to annual salaries for their legislators. Does this ranking suggest that salaries of Texas legislators should be raised or that salaries in other states should be lowered? What factors should be considered in determining the compensation of legislators?
13. Using data in the How Do We Compare box at the top of page 251 of this chapter, determine the ratio of bills passed to bills introduced in 2000–2001. For example, the ratio for the Texas Legislature was 1 to 3.5. This ratio is obtained by dividing the number of bills introduced by the number of bills passed. For a clearer picture of how the Texas Legislature compares, rank the eight states in descending order of their ratios.

III. Applying Your Knowledge

A. Outside Readings and Cartoons

1. From the endnotes for this chapter or from the updated bibliography of selected sources accessible through the Houghton Mifflin Political Science home page (politcalscience.college.hmco.com), choose a magazine article or a journal article and write a summary of it.
2. From the endnotes for this chapter or from the updated bibliography of selected sources accessible through the Houghton Mifflin Political Science home page (politicalscience.college.hmco.com), choose a book and write a summary of one of its chapters.

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3. Find a newspaper editorial that relates to the Texas Legislature. Summarize that editorial, and explain why you agree or disagree with the writer's point of view.
4. Find a newspaper article concerning the Texas Legislature. Summarize the article, and describe what you do and/or do not like about that piece of reporting.
5. Interpret one of this chapter's cartoons (or another cartoon concerning the legislature), and explain why you agree or disagree with the cartoonist's point of view.
6. Explore two or more of the web sites listed among sources for this chapter. Then select one site and write a brief note outlining how its information contributes to your understanding of the Texas Legislature.

B. Internet Research Project

Objectives

1. To explain some functions of the Texas Legislative Council.
2. To familiarize students with the identity of their state representatives and state senators.
3. To inform students of the committee assignments of their state representatives and senators.
4. To enhance students' awareness of some of the characteristics of their state representative districts.
5. To enhance student understanding of FAQs on web sites.

URL. http://www.capitol.state.tx.us

Description of the Site. The Texas Legislative Council maintains this site, entitled *Texas Legislature Online.* Functions of the council include assisting the legislature in drafting proposed legislation; revising existing legislation to organize and clarify statutes; investigating departments, agencies, state officials, and other matters as the legislature may request; and providing information technology support to several legislative agencies. The site is linked to web sites maintained by the Texas Senate, the Texas House of Representatives, and other state agencies and offices. In addition, *Texas Legislature Online* provides texts of the Texas Constitution and state statutes, information about individual bills (including bill text, fiscal notes, bill analyses, author, caption, and legislative actions), and committee schedules.

General information about Texas's legislative process is also available, including a legislative glossary and a discussion of how a bill becomes a law. Also included is a web page for frequently asked questions (FAQs) about the site. Either directly or through the FAQs, citizens are able to identify the legislators who represent them.

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The internet is a dynamic, ever-changing environment. If any of the links and instructions need to be adjusted, consult the textbook website for updates of this exercise (http://college.hmco.com/polisci/brown/prac_tex_pol/12e/students/index.html).

Use of Information. Based on data obtained from "Texas Legislature Online" you will be able to answer questions about your state senator and state representative.

1. Go to "Texas Legislature Online" (www.capitol.state.tx.us) and click on the hypertext "Who Represents Me?" This will take you to the "Find Your Incumbent" page.
2. Click on the hyperlink entitled "By Address."
3. Enter your street address and zip code.
4. Click on "Submit." Then click on "Display District Information."
5. You should now have the names and district numbers of your U.S. representative, state senator, state representative, and member of the Texas State Board of Education. For this exercise, you are only interested in your state senator and state representative.
6. What is the name and the district number of your Texas state senator?

7. What is the name and the district number of your Texas state representative?

8. Each chamber of the legislature sponsors its own web site, which includes information about each representative or senator, including committee assignments.
9. On your senator's web page, scroll down to "Committee Membership" and list the committees to which your senator has been appointed.

10. Back up one page and click on your state representative's hyperlink and scroll down to. "Committee Assignment." To what House committees has your representative been appointed?

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11. On your representative's page, locate the section labeled "Research." Click on "Bills." Once there, locate the section labeled "Bills by Author."
 a. Click on the most recent regular session (not special session) of the legislature.
 b. Under "Bill by Author," click on your representative's name.
 c. How many bills were authored by your representative during the most recent regular session? _____
12. Another way to reach the FYI page is through the "Frequently Asked Questions" page. Go to the *Texas Legislature Online* home page (http://www.capitol.tx.us) and click on "Help." Then go to the question, "How do I determine my district and legislator?" Click here; the answer to this question will include a hyperlink to the web page "Find Your Incumbent (FYI)".

Internet Research Tip. Web sites often have a page devoted to frequently asked questions, identified as FAQs. This section provides information about the site and anticipates questions a new user might have. You will find FAQs helpful in navigating a site with which you are unfamiliar. *Texas Legislature Online's* FAQs are typical of FAQ pages on other sites. Note that the page includes information on site availability, frequency of updates, how to download data, and how to obtain specific material related to the legislature (such as how to communicate with legislators, how to follow the status of a bill, and how to find out how a legislator voted on specific bills). It is advisable to review FAQs in your preliminary research.

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Answers

True-False: Text

6.1. T
6.2. T
6.3. F
6.4. T
6.5. T
6.6. F
6.7. F
6.8. T
6.9. T
6.10. T
6.11. F
6.12. T
6.13. F
6.14. F
6.15. T
6.16. F
6.17. T
6.18. F
6.19. F
6.20. T
6.21. F
6.22. F
6.23. T

True-False: Readings

6.24. F
6.25. F
6.26. F
6.27. T
6.28. F
6.29. F

Multiple-Choice: Text

6.30. a
6.31. d
6.32. c
6.33. b
6.34. c
6.35. b
6.36. b
6.37. b
6.38. d
6.39. b
6.40. b
6.41. c
6.42. b
6.43. d
6.44. c
6.45. b
6.46. d
6.47. d
6.48. a
6.49. c

Multiple-Choice: Readings

6.50. d
6.51. c
6.52. a
6.53. a
6.54. a
6.55. c

Completion: Text

6.56. odd
6.57. odd
6.58. gerrymandering
6.59. lower
6.60. 26
6.61. Jordan
6.62. suburban
6.63. continuance
6.64. simple
6.65. bracket
6.66. subpoena
6.67. margarita
6.68. Conservative
6.69. engrossment
6.70. veto
6.71. opinion
6.72. Council
6.73. analysis

Completion: Readings

6.74. Reconstruction
6.75. hedge
6.76. casino
6.77. teams
6.78. presidents
6.79. client

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CHAPTER SEVEN

The Executive

I. Preparing to Study

A. Performance Objectives

After studying and reviewing the text and readings in this chapter, you will be able to:

1. Describe the Texas executive structure as outlined in a flow chart showing the governor, department heads, and important boards and commissions.
2. Explain the importance of money in gubernatorial politics.
3. Identify state constitutional provisions concerning the qualifications, term of office, and compensation of the governor of Texas.
4. Identify state constitutional provisions concerning gubernatorial succession and the process of impeaching and removing a Texas governor.
5. Explain the functions and importance of the governor's staff.
6. Outline the principal executive powers of the governor.
7. Outline the principal legislative powers of the governor.
8. Outline the principal judicial powers of the governor.
9. Describe some informal powers of the governor.
10. Describe the principal powers and functions of the appointed secretary of state and the popularly elected heads of executive departments.

B. Overview of the Text (pp. 293–319)

The governor is the most visible figure in Texas state government. Although commonly called the "chief executive," the governor shares power with other elected officials.

Looking Back (pp. 293–294). A "weak-executive" pattern of organization is provided in the Constitution of 1876 to prevent gubernatorial domination, like that exercised by Governor E. J. Davis, Jr., during the Reconstruction era following the Civil War.

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Overview of the Governorship (pp. 295–302)
Although the Texas Constitution does not establish financial qualifications for the office of governor, it is a fact that serious gubernatorial candidates and recent governors have been wealthy or have had significant financial support from rich individuals and well-financed special interest groups. The Texas Constitution does specify that the governor must be at least 30 years old, a U.S. citizen, and a resident of Texas for a minimum of five years immediately preceding election. Like other elected executive officials, the governor is elected for a four-year term. Removal can be accomplished by impeachment in the House and conviction in the Senate. Less than 200 state employees serve as staff members within the Governor's Office.

Powers of the Governor (pp. 303–311). The constitutional powers of the governor include appointment of most members of state boards and commissions, with confirmation by a two-thirds majority vote of the Senate. Independent gubernatorial removal power is limited to members of the governor's staff and some statutory officials. Although the governor proposes a state budget, the legislature pays more attention to the budget produced by its own Legislative Budget Board. Nevertheless, the governor can veto a whole appropriations bill or specific budget items.

Executive orders are used to set policy within the executive branch and to create or abolish various study and advisory bodies. Proclamations are used for ceremonial purposes as well as for other matters, such as calling special elections and declaring a region to be a disaster area.

Legislative affairs are influenced by the governor's vetoes, messages to the legislature, and calls for special legislative sessions. In judicial matters, gubernatorial influence is exerted through appointment of judges to district and appellate courts when vacancies occur between elections. The governor is also involved in administering justice by granting pardons, reprieves, and commutations of sentences. The Board of Pardons and Paroles, however, must recommend most such actions. Informal powers are exercised through the governor's participation in public ceremonies and press interviews.

The Plural Executive (pp. 311–318). First in line of succession in the event of death, resignation, or removal of the governor is the lieutenant governor, who also serves as president of the Senate. The attorney general is the state's principal legal officer and is responsible for issuing opinions on legal questions raised by state and local officials.

The commissioner of the General Land Office administers the vast lands owned by the state—lands that produce many millions of dollars of annual revenue from rents and mineral leases. The Department of Agriculture is headed by the commissioner of agriculture, who directs services designed to aid farmers and ranchers and is responsible for enforcing regulatory statutes affecting agriculture.

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The comptroller of public accounts is the state's principal tax collector and custodian of state funds. In addition, the comptroller selects the banks that serve as depositories for the state's money.

Unlike the aforementioned elected officials, the secretary of state is appointed by the governor. This executive officer performs diverse tasks that include issuing charters for corporations, supervising the administration of Texas election laws, and (unofficially but traditionally) serving as the governor's adviser and assistant in political matters.

Looking Ahead (pp. 318–319). Constitutional changes in the power and structure of the governor's office and the offices of other elected executive officials would require one or more constitutional amendments or a new state constitution. A proposed constitutional revision resolution submitted by Senator Bill Ratliff and Representative Rob Junnell in 1999, for example, would provide a cabinet structure for the executive branch. Neither the legislature, nor Governor George W. Bush, nor Governor Rick Perry showed interest in this proposal. Without change, the state will continue with a constitutionally weak governor who has limited influence over much of the executive branch.

C. Key Terms (with textbook page numbers)

Governor's Office (302)
appointive power (303)
recess appointment (304)
removal power (304)
martial law (305)
law enforcement power (305)
budgetary power (306)
executive order (306)
proclamation (307)
legislative power (307)
message power (308)
veto power (308)
item veto (308)
postadjournment veto (308)
parole (310)
executive clemency (310)
full pardon (310)
conditional pardon (310)
reprieve (310)
commutation of sentence (310)
plural executive (311)
lieutenant governor (312)
attorney general (313)
comptroller of public accounts (315)
commissioner of the General Land Office (316)
commissioner of agriculture (317)
secretary of state (318)

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D. Overview of the Readings (pp. 322–331)

7.1. "Firms Help Pay the Tab" by George Kuempel (pp. 322–323)

Austin's 2003 inauguration celebration for Governor Rick Perry and Lieutenant Governor David Dewhurst included a giant barbecue, a big-time ball, a long parade, and other events attended by thousands Texans. While most celebrants bought modestly priced tickets for the barbecue and ball, some paid much more. Corporate donors gave as much as $50,000. Citizen watchdog groups questioned what extras these donors, many with an interest in bills up for consideration by the 78th Legislature, got for their money. Corporate officials and lobbyists denied any ulterior motives, saying that they were simply good citizens helping to offset some of the inaugural costs in order to make tickets cheaper and more accessible to Texans.

7.2. "Executive Order Creating the Governor's Clean Coal Technology Council" by Governor Rick Perry (pp. 324–326)

Texas governors have power to issue orders that set policy within the executive branch and create entities such as councils, task forces, and boards. Governor Rick Perry's Executive Order RP21 creates the Governor's Clean Coal Technology Council. The document's preamble explains the importance of coal as a source of energy as well as the need for good air quality. The body of the order concerns the council's duties, membership, and operations. Unlike a law, an executive order is made under the governor's exclusive authority and remains in effect until modified, amended, rescinded, or superceded by the issuing governor or a subsequent governor.

7.3. "Excerpts from Governor Rick Perry's State of the State Address, 13 February 2003" by Governor Rick Perry (pp. 326–331)

Texas governors use their State of the State Address to highlight achievements, explain broad goals, and lay out an agenda for a regular legislative session. Rick Perry's 2003 address did just this. Noting the creation of new jobs in Houston and San Antonio, he also discussed the achievements of Texas school children. Perry then made clear his priorities: education, security, and, especially, reduced state spending. Further, he explained his rationale for selecting these priorities. Finally, the governor outlined particular legislative initiatives, especially those related to his goals for the 78th regular session. The State of the State address gave Governor Perry a chance to speak directly to members of the 78th Legislature, as well as to communicate with other Texans, and to seek support for his policy agenda.

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II. Testing Your Knowledge

A. True-False Questions on Text Material (with textbook page numbers)

_____ 7.1. During the Reconstruction era, Texas's strong executive government earned the confidence and support of most of the state's citizens. (293)

_____ 7.2. The Texas state government operates without a genuine chief executive officer. (295)

_____ 7.3. The minimum age for a Texas governor is 35 years. (297)

_____ 7.4. After election in 1978, Bill Clements became Texas's first Republican governor since E. J. Davis held that office. (297)

_____ 7.5. Richard Coke was serving as governor of Texas when the Constitution of 1876 was written. (298)

_____ 7.6. Under Texas law, a governor is not allowed to hold another civil or corporate office. (300)

_____ 7.7. The Texas Constitution specifies that a mentally incapacitated governor will be suspended from that office and replaced by the lieutenant governor. (300)

_____ 7.8. Under provisions of the Texas Constitution, a governor who is impeached and removed from office may not be tried subsequently in any civil or criminal proceeding. (301)

_____ 7.9. The Texas Constitution specifies several prohibited acts that may result in impeachment and removal of a governor. (302)

_____ 7.10. The governor's personal staff functions directly under gubernatorial supervision. (302)

_____ 7.11. A regular gubernatorial term begins in November of the even-numbered year before a presidential election. (303)

_____ 7.12. The practical politics of senatorial courtesy requires that the governor consult with a prospective appointee's state senator before sending the name to the Senate for confirmation. (304)

_____ 7.13. Under certain circumstances, the governor may assume command of the Texas Rangers. (305)

_____ 7.14. At the commencement of each regular session of the legislature, the governor of Texas is required by the State Constitution to deliver a "State of the State" address. (307)

_____ 7.15. The Texas Legislature frequently overrides vetoes by the governor. (308)

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_____ 7.16. The lieutenant governor serves as speaker of the Texas House of Representatives. (312)

_____ 7.17. Unless an appropriations bill is enacted by a four-fifths majority vote in both houses of the Texas Legislature, the comptroller of public accounts must certify that revenue is expected to be available to cover all proposed expenditures. (315)

_____ 7.18. Because the Texas Constitution prohibits depositing any of the state's money in nongovernmental institutions, the comptroller of public accounts must keep all state funds in a special vault located in the basement of the Capitol. (315)

B. True-False Questions on Readings (with textbook page numbers)

_____ 7.19. Appropriated public funds covered most of the cost of inaugural activities in January 2003. (323)

_____ 7.20. Executive directors for Public Citizen and Common Cause of Texas approved private and corporate financing of inaugural festivities honoring Governor Rick Perry and Lieutenant Governor David Dewhurst in 2003. (323)

_____ 7.21. The Governor's Clean Coal Technology Council is responsible for identifying cleaner coal-fired electric generation technologies. (325)

_____ 7.22. The executive order creating the Governor's Clean Coal Technology Council remains in effect until modified, amended, rescinded, or superseded by Governor Rick Perry or by a succeeding governor. (325)

_____ 7.23. Concerning higher education, Governor Rick Perry in his 2003 inaugural address said that he was joining Speaker Tom Craddick in calling for free tuition for all Texas residents at community colleges and state universities.

_____ 7.24. In his 2003 inaugural address, Governor Rick Perry called for a 9 percent increase in state spending. (328)

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C. **Multiple-Choice Questions on Text Material** (with textbook page numbers)

_____ 7.25. Who among the following meets the constitutional qualifications for the office of governor of Texas? (297)

a. An alien, age 35, who has been a legal resident of the state for 10 years immediately before the gubernatorial election.
b. A naturalized U.S. citizen, age 28, who has been a resident of Texas for three years immediately before the gubernatorial election.
c. A U.S. citizen, age 30, who has resided in Texas for 5 years immediately before the gubernatorial election.
d. A U.S. citizen born in Texas, age 40, who resided in New Mexico until moving to Texas 60 days before the gubernatorial election.

_____ 7.26. For the second time in the twentieth century, the Texas gubernatorial election campaign of 1996 resulted in the election of (297)

a. a Republican governor.
b. a woman governor.
c. a Libertarian governor.
d. an African-American governor.

_____ 7.27. A Texas governor is removed from office after impeachment by (301)

a. the Senate and conviction by the House.
b. the House and conviction by the Supreme Court of Texas.
c. the Senate and conviction by the Court of Criminal Appeals.
d. the House and conviction by the Senate.

_____ 7.28. The Texas governor who was impeached and removed from office was (301)

a. Miriam A. Ferguson.
b. James E. Ferguson.
c. Preston Smith.
d. John Connally.

_____ 7.29. The principal reason for the growth of the Texas governor's staff has been (302)

a. the state taxing and spending programs.
b. the legislative activities of the House and Senate.
c. the chief executive's activist approach to statewide issues.
d. the need for local and state law enforcement programs.

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_____ 7.30. In recent years, the Governor's Office in Texas has been greatly influenced by the increasing importance of (302)

a. intergovernmental relations.
b. interstate commerce.
c. private educational institutions from kindergartens to universities.
d. national security.

_____ 7.31. The governor's appointive power is classified as (303)

a. an executive power.
b. a legislative power.
c. a judicial power.
d. an informal power.

_____ 7.32. The governor of Texas appoints the (303)

a. secretary of state.
b. commissioner of agriculture.
c. comptroller of public accounts.
d. members of the Texas Railroad Commission.

_____ 7.33. According to the Texas Constitution, the governor must call a special election to fill a vacancy in Texas's (304)

a. Railroad Commission.
b. House of Representatives.
c. Supreme Court.
d. Court of Criminal Appeals.

_____ 7.34. The Texas governor's independent removal power extends to members of (305)

a. all state boards and state commissions.
b. all state boards but not state commissions.
c. all state commissions but not state boards.
d. the governor's staff.

_____ 7.35. Acting alone, the governor of Texas may (306)

a. impound funds appropriated by the legislature.
b. veto an individual budget item in an appropriations bill.
c. transfer funds from one state agency to another.
d. increase or decrease an appropriation.

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7.36. By custom, the governor of Texas delivers a farewell address to the legislature (307)

a. at the end of each regular legislative session.
b. before leaving the state on official business.
c. at the conclusion of a gubernatorial term of office.
d. at the end of each calendar year.

7.37. Under the Texas Constitution, the governor has power to (309)

a. introduce bills and resolutions in both chambers of the legislature.
b. appoint the lieutenant governor.
c. remove state senators and representatives.
d. call special sessions of the legislature.

7.38. The governor of Texas plays the role of chief of state when (311)

a. vetoing a bill.
b. appointing a judge.
c. participating in the dedication of a new state building.
d. granting a pardon.

7.39. Under Texas law, opinions issued by the attorney general are authoritative unless overruled by a new law or the ruling of (314)

a. the governor.
b. a court.
c. the comptroller of public accounts.
d. the State Bar of Texas.

7.40. The commissioner of the General Land Office oversees the growth and development of the state's (316)

a. Highway Trust Fund.
b. Permanent School Fund.
c. General Revenue Fund.
d. Teacher Retirement Fund.

7.41. The secretary of state is charged with (318)

a. tabulating election returns for state and district offices.
b. collecting most state taxes.
c. serving as the governor's legal counsel.
d. auditing financial records of all elected state officials.

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D. Multiple-Choice Questions on Readings (with textbook page numbers)

_____ 7.42. Concerning his company's donation of $50,000 for the 2003 inauguration festivities in Austin, AT&T's vice president for governmental affairs stated that his company expected (323)

a. no benefit.
b. preferential treatment by the legislature.
c. preferential treatment by the governor.
d. preferential treatment by the Supreme Court of Texas.

_____ 7.43. Consumer advocates Tom "Smitty" Smith and Suzy Woodford want to eliminate the question of whether inaugural donors buy access to government officials by (323)

a. using public money to pay all expenses.
b. ending inaugural galas.
c. using campaign funds to pay all expenses.
d. raising ticket prices.

_____ 7.44. Governor Rick Perry's Executive Order RP21 states that coal is important to Texans because it (324)

a. is more plentiful than petroleum.
b. is an especially clean-burning fuel.
c. provides employment for millions of Texans.
d. helps keep electricity prices low in Texas.

_____ 7.45. Included among the duties of the Governor's Clean Coal Technology Council is advising the governor concerning the feasibility of developing clean coal technologies in Texas to (325)

a. replace all other sources of electric power.
b. reduce emissions from existing coal-fired electric generation.
c. free Texas from the need to import fuels from other states and countries.
d. boost Texas's lignite industry.

_____ 7.46. In his 2003 inaugural address, Governor Perry included among his top three priorities (327-328)

a. congressional redistricting.
b. highway construction.
c. education.
d. environmental protection.

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_____ 7.47. In his 2003 inaugural address, Governor Perry asserted that the state budget could be balanced *without* (329)

a. changing the point of collection for the gas tax.
b. raising taxes.
c. eliminating state boards.
d. eliminating state commissions.

E. Completion Questions on Text Material (with textbook page numbers)

7.48. Governor Ann Richards appointed record numbers of Latinos, African Americans, and _____ to high office. (298)

7.49. Early in his political career, Rick Perry was elected for three terms in the Texas House of Representatives as a _____ Party candidate. (299)

7.50. The annual salary of the governor of Texas is determined by the _____. (300)

7.51. In Texas, impeachment proceedings are highly charged political affairs with _____ overtones. (302)

7.52. When assuming office, the governor of Texas takes an oath "to cause the laws to be faithfully _____." (303)

7.53. A gubernatorial appointment made while the Texas Legislature is not in session is called a _____ appointment. (304)

7.54. The governor makes an interim appointment to fill the vacancy when a U.S. _____ from Texas dies or resigns before the expiration of a term. (304)

7.55. If deemed necessary because of civil disorder, the governor of Texas may declare _____ law and suspend civil authority. (305)

7.56. The Texas governor may exercise control over state spending by vetoing an entire _____ bill. (306)

7.57. The governor of Texas may exercise a postadjournment veto by rejecting any pending legislation within _____ days after the end of a legislative session. (308)

7.58. More than half of Texas's judges who serve on district or appellate courts originally obtain those offices as a result of appointment by the _____. (309)

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7.59. With more than one independently elected official, Texas' state executive structure is referred to collectively as the _____ executive. (311)

7.60. Texas's lieutenant governor functions more in the _____ area than in the executive branch. (312)

7.61. The annual salary of Texas's lieutenant governor is $_____. (312)

7.62. The Texas attorney general serves as the state's chief _____. (314)

7.63. The comptroller of public accounts is Texas's chief accounting officer and _____ collector. (315)

7.64. Beginning a second term in January 2003, Comptroller Carole Keeton Strayhorn is the self-styled "tough _____" of Texas state politics. (316)

7.65. Powers of Texas's commissioner of the General Land Office include awarding oil, gas, and sulfur exploration _____ for land owned by the state. (316)

7.66. One of the duties of the Texas commissioner of agriculture is to control the use of _____. (317)

7.67. Granting _____ to Texas corporations is a duty of the state's secretary of state. (318)

F. Completion Questions on Readings (with textbook page numbers)

7.68. According to Tom "Smitty" Smith, executive director of Public Citizen, corporations don't contribute money to pay for inaugural celebrations "if they are not getting a _____ on their investment." (322)

7.69. Based on ticket sales, the 2003 inaugural ball at the Austin Convention Center attracted _____ participants. (323)

7.70. The Governor's Clean Coal Technology Council is charged with advising the governor on the potential of clean coal technologies to _____ the efficiency of coal-fired electric generation. (325)

7.71. The chair and vice chair of the Governor's Clean Coal Technology Council are appointed by the _____. (325)

7.72. In his 2003 inaugural address, Governor Perry stated that half a million children are covered under the Children's _____ Insurance Program. (326)

7.73. In his 2003 inaugural address, Governor Perry explained that the state's job base will expand by thousands because _____ is coming to San Antonio. (326)

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G. Essay Questions (with textbook page numbers)

1. Write an essay on "The Political Significance of the 2003 Inaugural Ceremony and Festivities Honoring Governor Rick Perry and Lieutenant Governor David Dewhurst." (295–297)
2. Write an overview of the office of governor of Texas in which you comment on qualifications for the office, term of office, compensation, succession, and method of removal. (297–302)
3. Write an essay on "Appointment and Removal Powers of the Governor of Texas." (303–305)
4. Write an essay on "Budgetary Powers of the Governor of Texas." (306)
5. Write an essay on "Legislative Powers of the Governor of Texas." (307–309)
6. Write an essay on "Judicial Powers of the Governor of Texas." (309–310)
7. Describe the principal powers and functions of Texas's secretary of state and the following state executive officials who are elected by Texas voters: lieutenant governor, attorney general, commissioner of the General Land Office, commissioner of agriculture, and comptroller of public accounts. (311–318)
8. Using data in the How Do We Compare box at the top of page 300 of this chapter, rank the eight states in descending order according to the amount of each governor's salary. How does Texas compare? Do these data suggest that the salaries of governors compare favorably with the salaries of head football coaches and presidents at state universities?
9. Using data in the How Do We Compare box at the top of page 300 of this chapter, rank the eight states according to the number of people working in the governor's office. How does Texas compare? Keep in mind the fact that these data do not reflect "off-budget" personnel who may work for the governor but are paid by an outside source, such as a political party.

III. Applying Your Knowledge

A. Outside Readings and Cartoons

1. From the endnotes for this chapter or from the updated bibliography of selected sources accessible through the Houghton Mifflin Political Science home page (politcalscience.college.hmco.com), choose a magazine or journal article and write a summary of it.
2. From the endnotes for this chapter or from the updated bibliography of selected sources available through the Houghton Mifflin Political Science home page (politicalscience.college.hmco.com), choose a book and write a summary of one of its chapters.

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3. In a newspaper, find an editorial that relates to the governor, lieutenant governor, or an elected head of a department of the executive branch of Texas state government. Summarize that editorial, and explain why you agree or disagree with the writer's point of view.
4. Find a newspaper article concerning the governor, lieutenant governor, or an elected head of a department of the executive branch of Texas state government. Summarize that article, and describe what you do and/or do not like about this piece of reporting.
5. Interpret one of this chapter's cartoons (or another cartoon relating to the executive branch), and explain why you agree or disagree with the cartoonist's point of view.
6. Explore two or more of the web sites listed among sources for this chapter. Then select one site and write a brief note outlining how its information contributes to your understanding of the executive branch of Texas state government.

B. Internet Research Project

Objectives

1. To enhance student understanding of the functions of the governor's office.
2. To familiarize students with the procedure for obtaining a commission or board appointment.
3. To increase student awareness of the importance of senatorial courtesy in obtaining a gubernatorial appointment.
4. To expose students to the use of the "Back" and "Forward" icons.

URL. http://www.governor.state.tx.us

Description of the Site. The Office of the Governor maintains this site. It includes press releases about the governor, a description of initiatives (or issues) that are important to the governor, and a description of the functions of the Governor's Office. Hyperlinks are provided to Texas' strategic plan (developed by the Governor's Office), state and federal grant opportunities, and available board and commission appointments.

One of the most important powers of the governor is the ability to nominate individuals to serve on boards and commissions. A list of available positions is maintained on the site, including the affected boards or commissions, the number of openings for each, and the date by which each position will become available. Further information can be obtained from the Appointments Division by mail or fax.

The Internet is a dynamic, ever-changing environment. If any of the links and instructions need to be adjusted, consult the textbook web site for updates of this

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exercise (http://college.hmco.com/polisci/brown/prac_tex_pol/12e/students/index.html).

Use of Information. Assume that the governor has contacted you and advised you that there are a number of board and commission positions available. Because you have been such a loyal supporter of the governor over the years, you may select the appointment you would like.

1. First you will need to go to the governor's web site (http://www.governor.state.tx.us).
2. Locate the "Quick Links" section on the page. Click on the "Appointments" hyperlink. Then click on "Eligible Appointments List." Review the available appointments and select the agency, commission, or department to which you would like to be nominated.
3. What agency did you select?

4. How many appointments are/will be available at the agency?

5. When do/did the position(s) become available?

6. Back up to the Appointments page. Click on the "List of Appointments" hyperlink. What agency has the largest number of appointments? How many positions? _____
7. To obtain more information about the agency you selected in #3, go to the following web site for the Texas State Library and Archives (http://www2.tsl.state.tx.us/trail/agencies.jsp). This site includes an alphabetical listing of all state agencies, departments, and commissions. The Texas Records and Information Locator (TRAIL), maintained by the Texas State Library, includes budgetary, regulatory, and statutory information about some departments. This site contains links to generic information about the agency (TRAIL Page), the agency's web page (if the agency has created one), and online publications of the agency.

 If your first choice cannot be found on this list, select an agency that is in the index and has a web site. Click on the agency's "TRAIL page" and review its generic site.

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8. Click on the hyperlink to the agency's website, if it maintains its own site, to review more information about the agency. If your first choice does not maintain a separate site, select an agency that does have one. Since each agency has its own formatting method, you will need to navigate through the site following the hyperlink prompts.
9. What are the functions or responsibilities of the agency?

Once the governor has nominated you for a board, agency, or commission, the Texas Senate will have to approve the appointment at the next legislative session. Senate approval is required whether the legislature is in special session or in regular session. Unless your state senator agrees to your appointment, it is unlikely you will be approved because of the practice of senatorial courtesy. It will therefore be necessary for you to confer with your state senator to assure support for your nomination.

10. Return to the FYI (Find Your Incumbent) site discussed in Chapter 6 of this *Study Guide* and follow the directions to obtain the name of your state senator.
11. What is the name of your state senator?

Internet Research Tip. You have been required to refer to different web pages within the web site to complete this exercise. You can use your web browser, the software program you use to view the web pages, to move quickly among the pages within the web site. At the top of the page are icons for the "Back," "Forward," "Home," "Reload," and "Stop" functions. Use the "Back" and "Forward" icons to move among previously accessed pages. To return to the first site chosen, click on the "Home" icon. If the web browser is having trouble connecting with a site, use the "Reload" icon to begin the transmission again. To terminate the transmission of information from a web site, click on the "Stop" icon.

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Answers

True-False: Text

7.1. F
7.2. T
7.3. F
7.4. T
7.5. T
7.6. T
7.7. F
7.8. F
7.9. F
7.10. T
7.11. F
7.12. T
7.13. T
7.14. T
7.15. F
7.16. F
7.17. T
7.18. F

True-False: Readings

7.19. F
7.20. F
7.21. T
7.22. T
7.23. F
7.24. F

Multiple-Choice: Text

7.25. c
7.26. a
7.27. d
7.28. b
7.29. c
7.30. a
7.31. a
7.32. a
7.33. b
7.34. d
7.35. b
7.36. c
7.37. d
7.38. c
7.39. b
7.40. b
7.41. a

Multiple-Choice: Readings

7.42. a
7.43. a
7.44. d
7.45. b
7.46. c
7.47. b

Completion: Text

7.48. Women
7.49. Democratic
7.50. legislature
7.51. legal
7.52. executed
7.53. recess
7.54. senator
7.55. martial
7.56. appropriations
7.57. 20
7.58. governor
7.59. plural
7.60. legislative
7.61. 7,200
7.62. lawyer
7.63. tax
7.64. grandma
7.65. leases
7.66. pesticides
7.67. charters

Completion: Readings

7.68. return
7.69. 10,000
7.70. increase
7.71. governor
7.72. Health
7.73. Toyota

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CHAPTER EIGHT

Public Policy and Administration

I. Preparing to Study

A. Performance Objectives

After studying and reviewing the text and readings in this chapter, you will be able to:

1. Describe the size of the state bureaucracy, compensation for state employees, problems involving representation of women and minorities in top management positions, and the means whereby citizens receive customer service in coping with bureaucratic problems.
2. Describe the organization and responsibilities of the State Board of Education (SBOE), and discuss current problems and programs in public education from kindergarten through high school.
3. Describe Texas' system of higher education—public community and junior colleges, state universities, and state technical colleges—and discuss important issues relating to organization, direction, and funding.
4. Describe the organization and function of state agencies providing social services; and comment on the need for government intervention to provide some Texans with temporary financial assistance, health and mental health care, and help in finding employment.
5. Explain the implementation of economic policies by state agencies in the areas of business regulation and promotion.
6. Identify Texas's important environmental problems and describe the work of state agencies that are responsible for dealing with these problems.
7. Explain the sunset process for coping with the problem of bureaucratic proliferation in Texas government.

B. Overview of the Text (pp. 333–364)

In any organization, people who do the work determine its success or failure. This chapter concerns government personnel as well as the organization and function of

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various state agencies. Of particular importance is the role of the governor in appointing members of the boards and commissions that head most of these agencies.

Overview of Public Policy and Administration (333). The Texas bureaucracy consists of the employees who do the administrative work of state government. This chapter focuses on five areas of public policy and administration: education, social services, economic regulation, environmental protection, and homeland security.

State Employees (pp. 334–337). Counting both full-time and part-time employees, about 335,000 Texans held state jobs in 2003. This amounted to a full-time equivalent total of 282,000 employed by state agencies and by state colleges and universities. Texas does not have a central personnel office. Each agency determines its own personnel policies; but the legislature sets the pay scale for state service and regulates holidays, vacation time, and days of sick leave. Some personnel reductions have resulted from efforts to balance the state budget without raising taxes. Through use of a toll-free number, complaints against state agencies and their personnel may be directed to the governor's office.

Education (pp. 337–348). Headed by a commissioner appointed by the governor, the Texas Education Agency (TEA) has headquarters in Austin. Teachers, administrators, and other employees in Texas's more than 1,000 independent school districts staff public schools for young Texans at all levels from kindergarten through high school. Overseeing TEA is the State Board of Education (SBOE), which is composed of 15 members elected from single-member districts. Controversies over the SBOE's role in rejecting textbooks and placing textbooks on "conforming" or "nonconforming" lists attract public attention from time to time.

The State Board for Educator Certification (SBEC) regulates the training, certification, and continuing education of public school teachers and administrators. Its 12 voting members are appointed by the governor; the three nonvoting members are appointed by the governor, the commissioner of education, and the commissioner of higher education, respectively.

The Texas Higher Education Coordinating Board provides direction for the efficient and economical operation of the Lone Star State's public community colleges, state universities, and state technical colleges. This board is composed of eighteen members who are appointed by the governor for six-year terms and approved by the Senate. Most of Texas's public universities function as components of six multi-campus university systems that are governed by boards of regents appointed by the governor. The four technical colleges are parts of the Texas State Technical College System. There are 50 community or junior college districts.

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Social Services (pp. 348–351). Millions of Texans benefit from social services administered under the direction of the executive commissioner of the Health and Human Services Commission and four commissioners. Each commissioner heads one of four departments: State Health Services, Family and Protective Services, Assistive and Rehabilitative Services, and Aging and Disability Services. Appointed by the governor with the consent of the Senate, the executive commissioner appoints the four commissioners with the consent of the governor. Social services include financial assistance through the Temporary Assistance for Needy Families (TANF) program; medical treatment for people falling below the poverty level through Medicaid; food stamps for the elderly, the disabled, and poor families; mental health facilities to treat mentally ill and mentally retarded people; and job training for unemployed workers.

Economic Policies (pp. 351–357). The popularly elected three-member Railroad Commission is one of the most highly publicized regulatory agencies. Despite its name, the major function of this commission involves regulation of oil and natural gas production. Another important regulatory agency is the Public Utility Commission. It has jurisdiction over rates and services involving telephone companies, electric utilities in unincorporated areas, and radio-telephone service statewide. The Office of Public Utility Counsel has been established to represent consumers in rate cases. Regulation of Texas's insurance industry has been placed in the hands of the commissioner of insurance, who is appointed for a two-year term by the governor with the consent of the Senate. Both the insurance industry and the electric power industry are being deregulated so that competition will play a more important role in meeting the needs of consumers.

Business promotion by the state includes highway construction and maintenance. Headed by a three-member commission appointed by the governor with the consent of the Senate, the Department of Transportation is responsible for the condition of 79,000 miles of Texas highways. Constituting the third largest item in the state budget, highway building and maintenance are critical for meeting important transportation needs of the Texas economy.

Maintaining a state parks system and conserving wildlife are responsibilities of the Texas Parks and Wildlife Commission. Its nine members are appointed by the governor. Both parks (with recreational facilities) and wildlife (fish, birds, and animals) stimulate tourism, which is one of the state's major industries.

People working in many trades and professions (for example, accounting and nursing) are licensed by various state agencies, thus certifying their proficiency and protecting the public. Each licensing board has at least one "public" member who is not employed in the regulated occupation.

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Environmental Issues (pp. 358–361). By merging several agencies involved in environmental protection, the Texas Natural Resource Conservation Commission (TNRCC) was created in 1993 to coordinate the state programs for restricting or preventing pollution of Texas's air, water, and soil. At the beginning of September 2002, its name was changed to Texas Commission on Environmental Quality (TCEQ). Appointed by the governor with the consent of the Senate, the three full-time commissioners serve for six-year terms. Although TCEQ has jurisdiction over water pollution, the six-member Texas Water Development Board is responsible for water conservation strategies designed to maximize protection of this critical natural resource. Hazardous waste materials of different kinds (low-level radioactive, high-level radioactive, and nonradioactive) constitute critical environmental and health problems that require government action.

Homeland Security (361–363). Terrorist hijackings of four passenger planes on 11 September 2001 were followed by organization of the Governor's Task Force on Homeland Security. With the task force's recommendations and a growing volume of federal funding, Texas state and local governments have been active in establishing a state health alert network, tightening airport security, assisting hospitals to prepare for dealing with bioterrorism, improving port security, providing food production security on farms and ranches, and taking other protective measures.

Too Many Agencies? (pp. 363–364). Texas's Sunset Advisory Commission is an arm of the legislature. This 10-member commission (5 senators and 5 representatives) reviews each of the state's administrative agencies at 12-year intervals and makes recommendations to the legislature concerning continuation, abolition, or merger.

Looking Ahead (p. 364). Three trends in state administration seem likely to continue: accountability for efficient and economical performance in delivering public services, devolution of federal programs to state control and funding, and judicial actions to ensure that state policies comply with U.S. and Texas law.

C. Key Terms (with textbook page numbers)

State Board of Education (SBOE) (337)
Texas Education Agency (TEA) (341)
Texas Assessment of Knowledge and Skills (TAKS) (342)
Texas Higher Education Coordinating Board (344)
executive commissioner of the Health and Human Services Commission (349)
Texas Department of Human Services (TDHS) (349)
Temporary Assistance for Needy Families (TANF) (349)

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Medicaid (349)
Medicare (349)
acquired immunodeficiency syndrome (AIDS) (350)
Texas Workforce Commission (TWC) (351)
Texas Railroad Commission (RRC) (352)
Public Utility Commission (PUC) (352)
deregulation (353)
commissioner of insurance (353)
Texas Parks and Wildlife Department (357)
Texas Natural Resource Conservation Commission (TNRCC) (358)
Texas Commission on Environmental Quality (358)
low-level radioactive waste (360)
high-level radioactive waste (361)
nonradioactive hazardous waste (361)
sunset process (363)

D. Overview of the Readings (pp. 369–378)

8.1. "Capital Has Been Spent, But Education Post Shouldn't Be for Sale" (pp. 369–370)

This *Austin American-Statesman* editorial argues that the Texas Senate should reject Governor Rick Perry's nomination of Geraldine "Tincy" Miller to chair the State Board of Education. It asserts that Miller is unqualified for four reasons: (1) her opposition to efforts to deal with ethical violations by some board members and with management problems related to the Permanent School Fund, (2) her attempts to inappropriately influence textbook content, (3) the divisive politics she has practiced as a board member (especially the financial intervention of Miller and her husband Vance that was designed to defeat SBOE chair Grace Shore in the 2002 Republican primary), and (4) her poor judgment in voting with the board's social conservatives. The *American-Statesman* comments that Vance Miller's $50,000 contribution to Perry's 2002 gubernatorial campaign "did not go unnoticed" when his wife was appointed to chair the SBOE.

8.2. "Schools of Hard Knocks" by Matt Flores (pp. 371–375)

State spending on public colleges and universities across Texas has often been unevenly distributed. Traditionally, South Texas has received less than other areas. To remedy this injustice, in the 1990s the Texas Legislature funded the South Texas Border Initiative. This involved an infusion of $500 million into institutions of higher education located in South Texas. It was designed to increase educational opportunities for residents (mostly Mexican Americans) within 41 counties along or near the Rio Grande. The result was increased enrollments, new buildings, and the addition of undergraduate majors and graduate programs. In 2003, however, the 10-year funding initiative was over, and the state faced a daunting budget shortfall at the time this article was written. Although Texas has launched a "Closing the Gaps" initiative for increasing minority enrollments by 2015, the special needs of

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South Texas institutions of higher education must be met if gaps are to be closed for young people residing in South Texas and westward to El Paso.

8.3 "Is Plan Cutting Electric Costs?" by Sudeep Reddy (pp. 375–378)

After more than a year of deregulation, are Texas consumers of electricity better off? Under deregulation, public utilities like TXU in North Texas have had to pay attention to competition from other electric power providers. Nevertheless, prices for electricity remain high and appear to be heading to record levels. TXU blames this on higher natural gas prices, because much of the state's electricity is generated in gas-fueled power plants. Thus, TXU must ask the Public Utility Commission (PUC) to authorize rate increases that reflect higher gas prices. For competing providers, the PUC-approved rate becomes the "price to beat" as they seek to lure TXU's customers. While consumer groups point to record high rates, TXU notes that only a very small number of consumers have switched to other providers.

II. Testing Your Knowledge

B. True-False Questions on Text Material (with textbook page numbers)

_____ 8.1. The total of state FTE employees is less than the total of all personnel drawing paychecks from Texas state government. (334-335)

_____ 8.2. Texas has a centralized personnel system with uniform regulations and policies for all state employees. (335)

_____ 8.3. State employees work without paid vacations, holidays, or sick leave. (336)

_____ 8.4. Members of the State Board of Education are elected to represent 15 single-member districts. (337)

_____ 8.5. Charter schools in Texas are exempt from some state regulations. (341)

_____ 8.6. TAKS has been replaced by TASS for assessing students' mastery of state-mandated core curricula. (342)

_____ 8.7. The U.S. Supreme Court refused to review the *Hopwood* case concerning affirmative action for admission to the Law School of the University of Texas. (347–348)

_____ 8.8. The Texas Legislature has refused to appropriate money to combat the AIDS epidemic. (350)

_____ 8.9. Texas's 35 mental health community centers are entirely financed by county governments. (351)

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_____ 8.10. A payroll tax provides revenue used for weekly benefit payments to unemployed workers who are covered by the Texas Unemployment Compensation Act. (351)

_____ 8.11. Most of the functions of the Texas Railroad Commission have nothing to do with railroads. (352)

_____ 8.12. The Office of Public Utility Counsel represents utility companies in rate cases heard by the Public Utility Commission. (353)

_____ 8.13. Under Texas law, one member of the commission heading the Texas Department of Transportation must have business ties with the transportation industry, one member must be a labor union member, and the third commissioner must be a "public member" without ties to the transportation industry or any labor union. (356)

_____ 8.14. The Texas Parks and Wildlife Commission sets fees for hunting licenses and fishing licenses. (357)

_____ 8.15. Texas industries produce less toxic contaminants than those of most other states. (358)

_____ 8.16. Creation of the Texas Natural Resource Conservation Commission (now Texas Commission on Environmental Quality) was one of the first projects of Governor George W. Bush. (358)

_____ 8.17. Texas's air pollution problems are confined to those caused by motor vehicles. (359)

_____ 8.18. Sites for the storage of high-level radioactive waste must be selected by the U.S. Department of Energy. (361)

_____ 8.19. Large federal grants for homeland security reached Texas soon after terrorist attacks on the World Trade Center and the Pentagon in September 2001. (362)

_____ 8.20. Texas's sunset process involves the systematic study of a state agency and then abolishing, merging, or retaining it. (363)

B. True-False Questions on Readings (with textbook page numbers)

_____ 8.21. Concerning Governor Perry's appointment of Geraldine "Tincy" Miller to chair the State Board of Education, the *Austin American Statesman* urged quick confirmation by the Senate. (369)

_____ 8.22. In 2002, helped by a big campaign contribution from Vance and "Tincy" Miller, Grace Shore was reelected to the State Board of Education. (369–370)

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_____ 8.23. If the South Texas border region were to become a state, it would be the poorest in the nation. (372)

_____ 8.24. For many years South Texas lagged behind in development of institutions of higher education, but by the 1990s its universities offered several Ph.D. programs. (372)

_____ 8.25. Regulations of Texas's Public Utility Commission allow a fuel price adjustment if average natural gas prices go up 4 percent over a 10-day period. (376)

_____ 8.26. Half of the electricity marketed by Texas utilities is generated from nuclear and coal-fueled power plants. (377)

C. Multiple-Choice Questions on Text Material (with textbook page numbers)

_____ 8.27. People who need aid in obtaining service from the Texas bureaucracy may call the Citizen's Assistance (337)

a. Hotline.
b. Bank.
c. Service.
d. Depository.

_____ 8.28. Following the elections of 2000 and 2002, a majority of the members of the State Board of Education were (338)

a. Anglo Democrats.
b. Anglo Republicans.
c. Latino Democrats.
d. African-American Republicans.

_____ 8.29. Early in 2003, the newly appointed chair of the State Board of Education was (338-339)

a. Linda Bauer.
b. Vance Miller.
c. Geraldine "Tincy" Miller.
d. Grace Shore.

_____ 8.30. Members of the Texas Higher Education Coordinating Board are appointed to six-year terms by the (344)

a. commissioner of education.
b. governor.
c. State Board of Education.
d. chancellor of the University of Texas System.

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_____ 8.31. In 2002, the Texas state university system with the most universities was (346)

a. the University of Houston System.
b. the Texas State University System.
c. the Texas A&M University System.
d. the University of Texas System.

_____ 8.32. A state law school can use race as a factor in admitting law students, according to the U.S. Supreme Court's 2003 ruling in (347–348)

a. *University of California Regents* v. *Bakke.*
b. *Hopwood* v. *Texas.*
c. *Grutter* v. *Bollinger.*
d. *Gratz* v. *Bollinger.*

_____ 8.33. The process whereby states (rather than the federal government) assume primary responsibility for administering programs such as welfare is called (348)

a. evolution.
b. revolution.
c. devolution.
d. convolution.

_____ 8.34. The federally funded and administered program that provides medical assistance for qualified applicants 65 years of age and older is called (349)

a. Medivac.
b. Mediflush.
c. Medicare.
d. Medicaid.

_____ 8.35. In January 2003, Texas health authorities reported more than 60,000 cumulative (350)

a. AIDS cases.
b. syphilis cases.
c. gonorrhea cases.
d. cancer cases.

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8.36. Because mentally ill Texans must often wait years before receiving treatment in a Texas state mental health facility, many of them are (350)

a. lodged in hotels and motels at state expense.
b. detained in jails.
c. sent to state hospitals in other states.
d. sent to state hospitals in Mexico.

8.37. Each member of the Texas Workforce Commission (351)

a. receives a state salary.
b. represents employers.
c. is popularly elected for a term of six years.
d. is appointed by the lieutenant governor for a term of twelve years.

8.38. The Texas Railroad Commission functions in several capacities, but the primary area in which it is involved is (352)

a. farm and ranch issues.
b. oil and natural gas production.
c. railroad regulation.
d. coal production.

8.39. Belief that business practices should be governed by market conditions rather than by governmental rules leads logically to a policy of (353)

a. devolution.
b. deannexation.
c. deregulation.
d. dependence.

8.40. The date 1 December 2004 was set to mark the beginning of a largely deregulated system for automobile and homeowner insurance called (355)

a. "hide-and-seek."
b. "hit-and-run."
c. "swindle-and-cheat."
d. "file-and-use."

8.41. Texas's extensive state highway system is administered by the Texas (356)

a. Highway Department.
b. Good Roads Department.
c. Department of Transportation.
d. Department of Communication.

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_____ 8.42. Fees for admission to Texas's state parks are set by (357)

a. the legislature.
b. the comptroller of public accounts.
c. the state auditor.
d. the Texas Parks and Wildlife Commission.

_____ 8.43. Control of water contamination is a major responsibility of (359)

a. the Texas Water Development Board.
b. the Texas Commission on Environmental Quality.
c. the State Water Conservation Board.
d. the Texas Water Well Drillers Board.

_____ 8.44. The Division of Emergency Management in the Governor's Office provides emergency response resources and information concerning (362)

a. disaster preparedness.
b. criminal activities involving terrorists.
c. U.S. military operations in Iraq.
d. U.S. diplomatic relations with governments suspected of promoting terrorism.

_____ 8.45. Final authority over whether to accept or reject a recommendation of the Sunset Advisory Commission lies with (363)

a. the governor.
b. the legislature.
c. the head of the administrative agency that is affected.
d. voters participating in a statewide referendum.

D. Multiple-Choice Questions on Readings (with textbook page numbers)

_____ 8.46. The *Austin American-Statesman* charged that Geraldine "Tincy" Miller inappropriately influenced textbook content by advising publishers to consult with a conservative think tank in San Antonio, whose board members included (370)

a. Hillary Clinton.
b. Willie Nelson.
c. Vance Miller.
d. Laura Bush.

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_____ 8.47. The *Austin American-Statesman* suggests that Geraldine "Tincy" Miller's appointment to chair the State Board of Education was influenced by her husband's $50,000 contribution to the election campaign of (370)

a. Tom Craddick.
b. David Dewhurst.
c. Tony Sanchez.
d. Rick Perry.

_____ 8.48. The Brownsville native who became President of the University of Texas—Brownsville is (371–373)

a. Ricardo Romo.
b. Rumaldo Juarez.
c. Juliet Garcia.
d. Ray Keck.

_____ 8.49. Of roughly 80,000 degrees conferred in Texas in 2002, the percent going to Hispanics was (375)

a. 32.0.
b. 16.4.
c. 11.0.
d. 7.0.

_____ 8.50. A year after partial deregulation of electric power rates, less than 7 percent of residential electricity consumers had (376)

a. changed electricity providers.
b. increased consumption of electric power.
c. indicated satisfaction with the rates that they were paying.
d. switched to use of natural gas.

_____ 8.51. The intent of deregulation of electric power rates is to go forward with (377)

a. government-owned power plants.
b. organization of electric power cooperatives.
c. market-based pricing.
d. nuclear power projects.

E. Completion Questions on Text Material (with textbook page numbers)

8.52. California has more state FTE _____ than Texas. (335)

8.53. San Jacinto Day is a state "skeleton crew" _____. (336)

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8.54. The State Board of Education (SBOE) may reject a textbook or place it on one of two _____ lists for use in public schools. (339–340)

8.55. If a local school district fails to meet state standards, Texas Education Agency officials are permitted by law to assume _____ of that district temporarily until acceptable reforms are instituted. (341)

8.56. Duties of the Texas Higher Education Coordinating Board include responding to _____ for offering new academic programs and degrees. (346)

8.57. The Texas State University System does *not* have a _____ campus. (346)

8.58. Cheryl Hopwood sued the University of Texas after having been refused admission to its _____ school. (347)

8.59. Medicaid is designed to provide medical care for persons whose income places them below the _____ line. (349)

8.60. The Woman's, Infants, and Children (WIC) Program provides a delivery system for _____ packages. (350)

8.61. As the principal killer of Texas men in their thirties, no other public health problem rivals that of acquired immunodeficiency _____ (AIDS). (350)

8.62. Texas's welfare reform program emphasizes _____ responsibility for employment training. (351)

8.63. Green Mountain Energy Company and First Choice Power are retail _____ providers. (353)

8.64. Responsibility for preservation of Texas's natural habitat and providing recreational areas lies with the Texas _____ and Wildlife Commission. (357)

8.65. The Texas Water _____ Board is responsible for developing strategies for water conservation in the state. (360)

8.66. The Texas river with the largest volume of annual discharge into the Gulf of Mexico is the _____ River. (360)

8.67. A counterterrorism unit within the Texas Department of Public _____ handles reports of suspicious activities in which terrorists may be involved. (362)

8.68. In Texas, the Sunset Advisory Commission reviews each state agency every _____ years. (363)

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F. Completion Questions on Readings (with textbook page numbers)

8.69. Money from Vance and Geraldine "Tincy" Millers' Prestonwood _____ Club PAC was used to defeat Grace Shore in the 2002 Republican primary. (370)

8.70. Concerning Geraldine "Tinsy" Miller's service on the State Board of Education in recent years, the *Austin Amercan-Statesman* editorial complains that she "has become a reliable vote for the block of six social _____ ideologues." (370)

8.71. The South Texas university for which a school of pharmacy has been approved is Texas A&M—_____. (372)

8.72. Steve Murdock, Texas's demographer, says that the state's rapidly growing Hispanic population is on track to be _____educated in the future than it is today. (372)

8.73. Under Texas's electric restructuring plan, TXU's "price to beat" is locked in until at least 2005 or until it loses _____ percent of its original customers. (376)

8.74. Under Texas's electric restructuring plan, _____ users of electric power are paying far less than before deregulation. (378)

G. Essay Questions (with textbook page numbers)

1. Comment on the adequacy of pay and benefits for state employees in Texas. (335–336)
2. Describe the organization and responsibilities of the State Board of Education, and explain why it has been a center of controversy in recent years. (337–341)
3. Describe the responsibilities of the Texas Education Agency, and comment on Texas's experience with charter schools and with testing systems to determine student progress. (341–342)
4. Describe the organization and sources of funding for Texas's public institutions of higher education, and comment on their current problems and challenges. (342–348)
5. Identify state agencies and programs designed to assist Texans who are in need of publicly funded health and mental health care, temporary financial assistance, and help in finding employment. (348–351)
6. Identify the state agencies responsible for regulating Texas's oil and gas producers, public utilities, and insurance companies. Describe the organization of these regulatory agencies; and comment on the need for government regula-

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tion or, on the other hand, the desirability of deregulation in favor of free-market solutions to problems in these areas. (351–356)

7. Explain the importance of Texas's highway system, state parks, and wildlife preservation efforts. (356–357).
8. Explain the need for environmental protection in Texas, and describe the responsibilities of the Texas Commission on Environmental Quality and the Texas Water Development Board in dealing with the state's problems involving air and water quality as well as disposal of hazardous waste. (358–361)
9. Explain why homeland security has become a matter of importance in Texas, and describe how costs for countering the terrorist threat are being funded. (361–363)
10. What is your opinion of the administrative structure and functioning of state government in Texas? Explain why you are satisfied or dissatisfied with the state's responses to selected public problems.
11. Using data in the How Do We Compare box at the top of page 335 of this chapter, rank the eight states in descending order according to the number of full-time equivalent (FTE) employees in each state. How does Texas rank?
12. Using data in the How Do We Compare box at the bottom of page 335 of this chapter, rank the eight states in descending order according to the average monthly pay per FTE employee. How does Texas rank? Is there an apparent relationship between rankings of states in #11 and #12? If so, what is your explanation of this relationship?

III. Applying Your Knowledge

A. Outside Readings and Cartoons

1. From the endnotes for this chapter or from the updated bibliography of selected sources accessible through the Houghton Mifflin Political Science home page (politicalscience.college.hmco.com) choose a magazine article or journal article and write a summary of it.
2. From the endnotes for this chapter or from the updated bibliography of selected sources accessible through the Houghton Mifflin Political Science home page (politicalscience.college.hmco.com), choose a book and write a summary of one of its chapters.
3. In a newspaper, find an editorial that relates to the Texas state bureaucracy and/or matters concerning one or more state agencies. Summarize that editorial, and explain why you agree or disagree with the writer's point of view.
4. Find a newspaper article concerning the Texas state bureaucracy and/or one or more state agencies. Summarize that article, and describe what you do and/or do not like about this piece of reporting.

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5. Interpret one of this chapter's cartoons (or another cartoon relating to a subject covered by the chapter), and explain why you agree or disagree with the cartoonist's point of view.
6. Explore two or more of the web sites listed among sources for this chapter. Then select one site and write a brief note outlining how its information contributes to your understanding of public policy and administration in Texas state government.

B. Internet Research Project

Objectives

1. To enhance awareness of the role of state agencies in regulating businesses in the state of Texas.
2. To introduce students to the assistance provided by the Office of the Comptroller of Public Accounts in creating new businesses through its web site.
3. To increase student knowledge of the variety of government-related issues that affect Texas businesses.
4. To provide students with alternative methods to reach a web page.

URL. http://www.window.state.tx.us/tba

Description of the Site. The comptroller of public accounts is responsible for collecting taxes and reporting on the fiscal condition of the state. To assist with economic growth in the state, the comptroller has created the *Texas Business Advisor.* This site includes information on issues that anyone opening a new business would need to consider. It is linked to state and federal agencies and provides access to forms, regulations, and data that would be helpful to a business person.

The comptroller's web site, *Window on State Government,* includes information about the Texas Performance Review (which is used to reorganize state agencies and make them more efficient), state agency performance, fiscal and economic conditions of the state (discussed in greater detail in Chapter 10 of this *Study Guide*), and links to related sites.

The internet is a dynamic, ever-changing environment. If any of the links and instructions need to be adjusted, consult the textbook web site for updates of this exercise (http://college.hmco.com/polisci/brown/prac_tex_pol/12e/students/index.html).

Use of Information. Assume that you are preparing to start a business related to your career goal. If you are planning to obtain a professional degree in law, medicine, architecture, or accounting, you may intend to open your own office. Anyone starting a business will have many questions about the likelihood that the business

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will succeed as well as what statutes and government agencies will affect the business and how.

In Texas, the comptroller has made it easy to get this information. You will find a number of topics that you should consider. In completing this exercise, pay close attention to the key words used in each question. They should lead you to the correct hyperlink. From the information available to you at this site, answer the following questions about your new business:

1. What type of business do you intend to create?

2. The first thing one would do in starting a business is to "Prepare". Follow the "prepare" link. What three steps would one take to prepare to start a business?

 a. _____

 b. _____

 c. _____

3. Back up to the Texas Business Advisor page. The second suggestion for "Growing a business" is to "Expand your client base." Follow that link. What two markets are suggested for expanding to?

4. Click on the "Back" icon and return to "The Texas Business Advisor" page. Click on "Take free—or, at least, low cost—advice." Click on the link "help" in the sentence "The state also provides help to small businesses." This will take you to the Texas Department of Economic Development's "Office of Small Business Assistance" page.

5. We now want to find out what permits and licenses you will need to start your business. Click on "Guide to Starting a Business." Click on "Step 3: Business Licenses and Permits by Business Type." Locate the type of business you want to start. Click on the first letter of the name of your profession or type of business. Scroll through the list until you find your profession or business. If your business does not appear to require special licensing or permits, be sure you have tried several terms to describe the business. If your business does not appear, choose another one that interests you. What is it?

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6. From what state agency or agencies will you have to get special licenses or permits to conduct your business?

Internet Research Tip. Sometimes a web page will not connect. If you have typed the URL, double check to be sure there are no typographical errors in it because only the exact URL will connect to a site. If the URL is correct, it is possible that the web page has too many users trying to access it, or that it is being worked on, or that the URL has changed. Three strategies you might try are:

1. Entering the web page from a different path by erasing the URL to the previous slash and striking the "Enter" key. This page may give you a menu so that you can access the page you want.
2. Opening a search engine and conducting a query-driven search by typing the name of the organization or the web site into the query box. This method may give you a new URL for the page.
3. Simply come back at a different time. Sometimes web pages are unavailable because the page itself, or the server they are stored on, are being updated or worked on in some way (and thus are off-line).

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Answers

True-False: Text

8.1. T
8.2. F
8.3. F
8.4. T
8.5. T
8.6. F
8.7. T
8.8. F
8.9. F
8.10. T
8.11. T
8.12. F
8.13. F
8.14. T
8.15. F
8.16. F
8.17. F
8.18. T
8.19. F
8.20. T

True-False: Readings

8.21. F
8.22. F
8.23. T
8.24. F
8.25. T
8.26. T

Multiple-Choice: Text

8.27. a
8.28. b
8.29. c
8.30. b
8.31. d
8.32. c
8.33. c
8.34. c
8.35. a
8.36. b
8.37. a
8.38. b
8.39. c
8.40. d
8.41. c
8.42. d
8.43. b
8.44. a
8.45. b

Multiple-Choice: Readings

8.46. c
8.47. d
8.48. c
8.49. b
8.50. a
8.51. c

Completion: Text

8.52. employees
8.53. holiday
8.54. adoption
8.55. control
8.56. requests
8.57. central
8.58. law
8.59. poverty
8.60. food
8.61. syndrome
8.62. local
8.63. electric
8.64. Parks
8.65. Development
8.66. Sabine
8.67. Safety
8.68. 12

Completion: Readings

8.69. Country
8.70. conservative
8.71. Kingsville
8.72. less
8.73. 40
8.74. big

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CHAPTER NINE

Laws, Courts, and Justice

I. *Preparing to Study*

A. Performance Objectives

After studying and reviewing the text and readings in this chapter, you will be able to:

1. Identify categories of criminal offenses under Texas law.
2. Indicate the maximum fine and period of confinement possible for each category of criminal offense under Texas law.
3. Name the court or courts with original jurisdiction over each category of offense under Texas law.
4. Describe the organization and jurisdiction of each type of court in the Texas judicial system.
5. Describe the organization and functions of grand juries and trial juries under Texas law.
6. Outline the basic procedures followed in trying civil and criminal cases in Texas courts.
7. Outline the conditions under which a capital felony is committed.
8. Outline the questions that a jury must answer in determining the punishment for a capital offense.
9. Describe Texas's adult penal institutions and rehabilitation programs.
10. Describe Texas's juvenile justice system, giving special attention to procedures and institutions.
11. Identify selected problems and reforms (or proposed reforms) relating to crowded dockets, judicial selection, and rights of crime victims.

B. Overview of the Text (pp. 380–430)

Early in the twenty-first century, Texas's legal system is affected by new developments in science and technology that influence the way justice is administered and the legal questions on which judges must rule.

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An Introduction to Texas's Justice System (p. 380). Except for municipal court judges, members of the state's judiciary are popularly elected. Consequently, there is a close connection between politics and justice; but judges attract less public attention than legislators and executive officials.

State Law in Texas (pp. 380–382). There are more than 3,000 judges and almost that many courts in the Texas judicial system. Some hear civil law cases involving property, family issues, and personal injury; others hear criminal law cases; and many have jurisdiction over cases involving both civil disputes and criminal offenses. Courts with original jurisdiction try cases for the first time, but courts with appellate jurisdiction hear appeals after cases have been tried in lower courts. Some courts exercise both original and appellate jurisdiction.

Texas law includes state statutes, the Texas Constitution, and the common law dating back to medieval England. Statutory law is found in *Vernon's Revised Annotated Texas Civil Statute of the State of Texas,* in *General and Special Laws of the State of Texas* published after each legislative session, and in codes on broad topics found in *Vernon's Texas Codes.*

Courts, Judges, and Lawyers (pp. 382–398). The state's minor trial courts (municipal and justice-of-the-peace courts) are one-judge tribunals, as are county- and district-level courts. The number of judicial personnel on appellate courts varies. Each of the 14 courts of appeals has a chief justice and from two to twelve justices. The Court of Criminal Appeals has a presiding judge and eight judges, and the Supreme Court has a chief justice and eight justices. Municipal court judges are selected by methods and for terms specified by city charters. Other judges are popularly elected for terms of four years (justices of the peace and judges of county and district courts) or six years (judges and justices of appellate courts).

Traditional methods of disciplining delinquent judges involve trial by jury for judges at all levels and (for judges of district and higher courts) legislative address or impeachment by the House and removal by the Senate. In recent years, the State Commission on Judicial Conduct has handled most disciplinary matters.

About 70,000 lawyers are licensed to practice law in Texas. All of them must join and pay dues to the State Bar of Texas. Efforts to improve the image of lawyers among their fellow Texans include increased regulation by the State Bar and providing low-cost and pro bono legal services to poor people.

Juries (pp. 398–401). A citizen can participate in the administration of justice by serving on a grand jury or a trial jury. The former is composed of twelve people. They may be selected at random from a list of fifteen to twenty names. In most Texas counties, a three-member grand jury commission that is appointed by the district court judge prepares this list. Trial jurors are selected by attorneys from a ve-

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nire panel that has been summoned. Twelve jurors are selected for a district court trial; six are selected for a trial before a lower court. The function of a grand jury is to return an indictment if the evidence indicates that an individual has committed a felony. A trial jury is responsible for listening to testimony and examining evidence to establish the guilt or innocence of a person charged with a crime or a party's liability in a civil case.

Judicial Procedures (pp. 402–412). In a civil proceeding, the plaintiff files a complaint with a court clerk. A citation is then served on the defendant, who files an answer. If either party so desires, a jury is selected to hear the case. After a verdict is reached, a judgment is issued. Appeal to a higher court is made on the basis of the trial court record and briefs submitted by interested parties. The Supreme Court of Texas is the highest state court having civil jurisdiction.

When the death penalty is assessed by a district court, the convicted person has an automatic right to appeal directly to the Court of Criminal Appeals. Fewer than 15 percent of these convictions are overturned on appeal. Since 1982, lethal injection has been used for all executions in Texas.

In a criminal trial, the prosecuting attorney calls witnesses and introduces evidence intended to support the charges. The defense may challenge the evidence, cross-examine witnesses, and present other evidence and witnesses on behalf of the defendant. A unanimous decision is required for a jury to reach a verdict. All convicted defendants are allowed to appeal to a higher court. The Court of Criminal Appeals is the highest state court exercising appellate criminal jurisdiction.

Correction and Rehabilitation (pp. 412–424). Convicted felons are usually imprisoned in facilities operated by the Institutional Division of the Texas Department of Criminal Justice (TDCJ). Some are confined in commercially operated, privatized facilities. Persons confined for state jail felonies are housed in state felony jails, which are designed for holding nonviolent offenders and providing alcohol and substance abuse treatment. Those incarcerated for Class A and Class B misdemeanor convictions, along with convicted felons awaiting transfer to a TDCJ facility, are held in a jail supervised by a county sheriff or in a commercially managed ("privatized") facility. State institutions of correction are supposed to serve the dual purpose of isolating offenders for the protection of society and rehabilitating them so that they will become law-abiding citizens when they are released from confinement.

Persons convicted of less serious offenses for the first time are usually placed under community supervision—that is, they are allowed to remain free as long as they comply with conditions imposed by the judge. Parole is a community-based rehabilitation program involving release of an inmate before completion of the imprisonment sentence.

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Juvenile Justice (pp. 424–427). Generally, delinquent children who are at least 10 years of age but less than 17 years of age are subject to the laws of the Texas Family Code. Each county has a juvenile probation board that designates one or more juvenile judges and a chief juvenile probation officer. The board makes policies for a juvenile probation department that serves one or more counties. The Texas Juvenile Probation Commission oversees these county departments.

Juvenile offenders who are detained must be segregated from adult criminals. Counseling and probation are the principal means of dealing with juvenile offenders. Young offenders may be tried in juvenile courts. If a court finds that a youth has engaged in delinquent conduct and is in need of supervision, a disposition hearing is held. Youths who have committed serious offenses (or who have violated terms of probation) are confined in one of the Texas Youth Commission's training schools or in a boot camp. If paroled from a TYC facility, the parolee is required to continue in a program of supervised rehabilitation.

For felonies subject to the Juvenile Determinate Sentencing Law, a juvenile offender may serve part of a sentence in a TYC facility and then be transferred to TDCJ. Depending on age, juveniles may be tried as adults for commission of a capital offense or other felony and confined in a TDCJ prison.

Problems and Reforms: Implications for Public Policy (pp. 427–430). Many reforms have been made in the Texas system of law and justice; others have been proposed but not adopted or implemented. Because justice delayed is justice denied, the legislature has continued to expand the number of courts and judges. Other attempts to cope with crowded dockets include transferring cases from overburdened courts to courts with fewer pending cases, assigning active and retired judges to courts with crowded dockets, and using various alternative dispute resolution (ADR) processes to settle disputes in a more informal environment.

People who are dissatisfied with partisan election of judges have advocated nonpartisan elections or a Missouri Plan system. The Missouri Plan features a combination of appointment and election of judges. The Texas Legislature has repeatedly rejected such proposals.

The Texas Constitution has been amended to guarantee the rights of crime victims. A crime victims compensation program helps people who have lost wages and incurred expenses as a result of injuries inflicted on them by adult criminals or juvenile delinquents.

Looking Ahead (p. 430). Although the Texas legal system is complex, citizens should understand it. Ordinary Texans, as well as our lawyers and judges, are affected by the state's laws, courts, and penal institutions.

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C. **Key Terms** (with textbook page numbers)

civil law (381)
criminal law (381)
jurisdiction (381)
original jurisdiction (381)
appellate jurisdiction (381)
exclusive jurisdiction (382)
concurrent jurisdiction (382)
court of record (385)
small claims court (387)
probate (388)
grand jury (398)
petit jury (399)
venire (400)
voir dire (400)
tort (400)
plaintiff (403)
petition (403)
defendant (403)
special issues (404)
verdict (404)
judgment (404)
graded penalties (405)
capital felony (405)
felony (405)
misdemeanor (405)
recidivism (417)
charitable choice (424)
alternative dispute resolution (ADR) (427)
Missouri Plan (428)
appointment-retention system (429)

D. **Overview of the Readings** (pp. 434–438)

1. "In Drug Court, Success Is Sweet" by Thom Marshall (pp. 434–435)

An innovative program of the Fort Bend County Drug Court rewards its charges with Life Savers candy. Each participant who has completed court-ordered requirements since the last meeting—including testing drug free—gets a Life Saver. Anyone who has failed to comply with rules of the program, such as arriving late for a court-ordered drug treatment meeting, is given the choice of a candy and community service, or no candy and no service. Unless all participants earn a Life Saver, either through meeting requirements or by compensating with community service, each member of the group is fined a dollar. The amount of the fine is small, but the candy is a symbol of success and the key to earning peer respect. This court, one of seven drug courts in Texas (as of early 2003) and more than 900 throughout the country, offers judicial oversight together with drug treatment. Participants learn to make decisions and to take responsibility. And, if they complete the program successfully, their criminal record is expunged.

2. "A Caring Mom's Idea Led to Plan" by Bud Kennedy (pp. 435–438)

When a child is abducted, information concerning anyone seen near the child can be critical for a search effort. One mother, hearing about the loss of another mother's child, was led to suggest what will become a nationwide cooperative effort of radio stations helping to find missing children. It is named the Amber Alert

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in memory of Amber Hagerman, whose abduction and murder sparked Diane Simone's idea. As soon as a child is missing, law enforcement officials can begin emergency broadcasts asking for information and giving descriptions of suspicious people and vehicles. By alerting the public, the police mobilize many sets of eyes to look for the missing child. While Simone is reluctant to take credit for the idea, she is overjoyed at the number of children who have been found and returned to their homes.

II. Testing Your Knowledge

A. True-False Questions on Text Material (with textbook page numbers)

_____ 9.1. Under the Texas Constitution, a court has either original jurisdiction or appellate jurisdiction but never both. (381)

_____ 9.2. All justices of the peace who fail to complete mandatory instruction on the performance of their duties are removed from office. (386)

_____ 9.3. None of Texas's justices of the peace devotes full time to this judicial office. (386)

_____ 9.4. Under Texas law, a JP court's judgment for $20 or less cannot be appealed to a higher court of the state. (388)

_____ 9.5. A party to a suit in a small claims court in Texas must be represented by a lawyer. (387)

_____ 9.6. Only a few of Texas's district court judges initially get their jobs by gubernatorial appointment. (389)

_____ 9.7. State district courts have jurisdiction over misdemeanor cases involving misconduct by government officials while acting in an official capacity. (389)

_____ 9.8. A significant part of the work of the Supreme Court of Texas concerns handling applications for a writ of error. (393)

_____ 9.9. Under Texas law, impeachment by the House and removal by the Senate are the only legal ways to discipline a state judge or justice. (394)

_____ 9.10. The Supreme Court of Texas appoints members of the Board of Law Examiners. (395)

_____ 9.11. Grand jurors in all Texas counties are selected by a judge from a list prepared by a jury commission. (398)

_____ 9.12. Daily pay for all jurors is fixed at $10 by Texas law. (401)

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_____ 9.13. Torts include injuries and damages caused by the acts of individuals and corporations. (402)

_____ 9.14. For a verdict to be reached in a Texas civil proceeding, all members of the jury must be in agreement. (404)

_____ 9.15. Under Texas law, a third felony conviction may result in a sentence of imprisonment for life. (405)

_____ 9.16. Since 1982, capital punishment under Texas law has meant death in the state's electric chair. (409)

_____ 9.17. Except in a capital felony case where the prosecutor is seeking the death penalty, a criminal defendant may waive the right to a jury trial if the prosecuting attorney agrees. (411)

_____ 9.18. In a jury trial of a criminal case conducted under Texas law, the sentence may be fixed by the jury if the convicted person so requests. (411)

_____ 9.19. The Texas Department of Criminal Justice is headed by three elected, state-salaried commissioners. (414)

_____ 9.20. Every Texas county maintains a jail. (420)

_____ 9.21. In Texas, adult first-time offenders convicted of misdemeanors and lesser felonies are commonly placed under community supervision. (421)

_____ 9.22. Supervising the rehabilitation and training of delinquent children is the responsibility of the Texas Youth Commission (TYC). (425)

_____ 9.23. On the request of a Texas crime victim, that victim has the right to receive recent information about proceedings affecting the criminal and to provide input into parole decisions regarding that offender. (430)

B. **True-False Questions on Readings** (with textbook page numbers)

_____ 9.24. Studies show that every public dollar spent on drug courts saves nearly $10. (434)

_____ 9.25. Fort Bend County's drug court program is designed to teach offenders to weigh options and make good personal decisions. (435)

_____ 9.26. One inspiration for the Amber Plan was the quick return of a lost child in New York City. (436)

_____ 9.27. Abduction cases frequently involve children who are put into vehicles and transported from the point of abduction to another point. (437)

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C. Multiple-Choice Questions on Text Material (with textbook page numbers)

_____ 9.28. A Texas court's authority to hear a case for the first time is defined as (381)

a. civil jurisdiction.
b. criminal jurisdiction.
c. original jurisdiction.
d. appellate jurisdiction.

_____ 9.29. Located at the base of the Texas judicial structure are justice-of-the-peace courts and (483)

a. municipal courts.
b. constitutional county courts.
c. district courts.
d. county courts at law.

_____ 9.30. A trial de novo involves (385-386)

a. a jury composed of nine people.
b. a new trial.
c. a trial conducted under Spanish law.
d. judicial review of the law but not the facts involved in a case.

_____ 9.31. Serving subpoenas and other processes issued by trial courts in Texas is the principal function of most (386)

a. coroners.
b. deputy sheriffs.
c. constables.
d. rangers.

_____ 9.32. The criminal jurisdiction of a justice-of-the-peace court covers (386)

a. class A misdemeanors.
b. class B misdemeanors.
c. class C misdemeanors.
d. felonies.

_____ 9.33. Texas's county courts at law are also called (388)

a. constitutional county courts.
b. statutory courts.
c. misdemeanor courts.
d. appellate county courts.

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_____ 9.34. In the event of death, resignation, or removal of a state district judge, the vacancy is filled by (389)

a. a special election called by the governor.
b. an appointment made by the chief justice of the Supreme Court of Texas.
c. an appointment made by the governor.
d. an appointment made by the attorney general.

_____ 9.35. Appeal following a capital felony conviction in a state district court is taken to (391)

a. a court of appeals.
b. the Supreme Court of Texas.
c. the Court of Criminal Appeals.
d. a statutory court.

_____ 9.36. The presiding judge of the Texas Court of Criminal Appeals is (392)

a. appointed by the lieutenant governor.
b. selected by the other members of that court.
c. appointed by the attorney general.
d. popularly elected to that office unless appointed by the governor to fill a vacancy.

_____ 9.37. The Texas Constitution guarantees that everyone charged with a crime is entitled to (396)

a. absence from work with full pay by the employer until the case is resolved.
b. compensation by the state for lost salary or wages until the case is resolved.
c. representation by an attorney.
d. free transportation from the defendant's home to the court where the case is tried.

_____ 9.38. Under Texas law, which of the following is a qualification for jurors? (399)

a. Minimum age of 18 years
b. Graduate of a high school
c. No prior indictment or accusation of theft
d. Maximum age of 70 years

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_____ 9.39. Unless disapproved by the legislature, rules of civil procedure for Texas courts are made by the state's (403)

a. attorney general.
b. Supreme Court.
c. bar association.
d. justices of courts of civil appeals.

_____ 9.40. The Texas system of graded penalties for criminal offenses features punishments for classes A, B, and C (405)

a. state jail felonies.
b. capital felonies.
c. felonies.
d. misdemeanors.

_____ 9.41. After a Texas jury has found a defendant guilty of a capital offense, it must then decide whether (408)

a. the victim and the offender were of the same religion or political party.
b. a firearm was used by the defendant.
c. the victim and the offender were of the same race or ethnic group.
d. there is a possibility that the defendant will commit criminal acts of violence that would constitute a continuing threat to society.

_____ 9.42. When the accused pleads guilty in return for the promise that the prosecution will seek a lighter sentence or will recommend probation, it is said that the attorneys in the case have engaged in (411)

a. corruption.
b. plea bargaining.
c. nolo contendere.
d. probation.

_____ 9.43. In a criminal case, a judge may refuse to accept the verdict of the trial jury and (411)

a. pardon the accused.
b. substitute the judge's own verdict for that of the jury.
c. refer the case to a higher court for a verdict.
d. order a new trial.

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_____ 9.44. In *Ruiz* v. *Estelle* (1980), U.S. District Court Judge William Wayne Justice (418)

a. condemned overcrowding in Texas prison units.
b. closed the substandard facilities of the Texas Youth Commission.
c. ruled that Texas judges and justices must be elected in single-member districts.
d. ruled that all people charged with crimes must be released on bail pending trial.

_____ 9.45. Texas's system of state felony jails has been designed to house (419)

a. persons convicted of capital felonies.
b. persons convicted of aggravated offenses.
c. nonviolent offenders.
d. persons convicted of class C misdemeanors.

_____ 9.46. When a jail or prison sentence is commuted to community supervision, the convicted person (421)

a. is assigned to a halfway house.
b. receives a conditional pardon.
c. is disinherited.
d. is not confined if the terms of supervision are fulfilled.

_____ 9.47. Texas's Juvenile Determinate Sentencing Law allows sentences for as long as 40 years for juveniles who commit serious offenses like (426)

a. flight to avoid arrest.
b. capital murder.
c. theft of property valued at $1,500 or more but less than $20,000.
d. juvenile gang activities.

_____ 9.48. Mediation is one of the procedures utilized under Texas's system of (427)

a. alternative dispute resolution.
b. crime victim assistance.
c. disciplining judges and justices.
d. regulating attorneys.

_____ 9.49. Responsibility for administering Texas's Crime Victims Compensation Act rests with the state's (429)

a. Department of Criminal Justice.
b. Department of Public Safety.
c. attorney general.
d. Workers' Compensation Commission.

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D. Multiple-Choice Questions on Readings (with textbook page numbers)

_____ 9.50. Offenders supervised by the Fort Bend County Drug Court may compensate for violation of court rules by (434)

a. performing community service.
b. laying out a fine at the rate of $10 per day.
c. paying a fine of $1.
d. making a public apology.

_____ 9.51. Drug court programs combine judicial oversight with (434)

a. supervised treatment.
b. corporal punishment.
c. confinement in jail.
d. chain-gang labor.

_____ 9.52. The Amber Plan is named for Amber Hagerman, (435)

a. a policewoman in Arlington.
b. a Texas girl who was abducted and murdered.
c. a member of the Texas Legislature.
d. a radio station manager in Fort Worth.

_____ 9.53. The Amber Plan proposal was set forth originally in a letter from Diana Simone to (437–438)

a. a radio station manager.
b. a police chief.
c. a massage parlor operator.
d. a Southern Baptist minister.

E. Completion Questions on Text Material (with textbook page numbers)

9.54. Prosecution of someone charged with theft would involve _____ law. (381)

9.55. Texas's justices of the peace and municipal court judges serve as _____ of the state when they issue warrants for the arrest of suspects. (382)

9.56. Municipal court judges are authorized to impose maximum fines of $_____ in cases involving violations of some city ordinances. (385)

9.57. Every Texas county is divided into one to _____ justice-of-the-peace precincts. (386)

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9.58. According to the Texas Constitution, the judge of a constitutional county court is supposed to be "well informed in the _____ of the state." (387)

9.59. Establishing the validity of a will for a person who has died is a _____ matter. (388)

9.60. Texas's criminal district courts in Dallas, Tarrant, and Jefferson counties have general jurisdiction that extends to _____ as well as criminal cases. (390)

9.61. The legislature has divided Texas into 14 state court of _____ districts. (391)

9.62. The highest court in Texas with criminal jurisdiction is the Court of _____ Appeals. (391)

9.63. To maintain their active status in Texas, practicing attorneys must complete at least 15 hours of continuing education each year, including three hours of legal _____. (395)

9.64. One member of each Texas grand jury is appointed to serve as its _____. (398)

9.65. The party that initiates a civil suit by filing a petition is known as the _____. (403)

9.66. In order for a Texas jury to reach a verdict of guilty or not guilty in a criminal case, a _____ decision must be reached. (411)

9.67. Most of the inmates of facilities operated by the TDCJ's State _____ Division are intended to undergo treatment for drug and alcohol abuse. (414)

9.68. Highlighting developments concerning Texas's prison system in the decade before the Texas Department of Corrections became the Texas Department of Criminal Justice was U.S. District Court Judge William Wayne Justice's ruling in _____ v. *Estelle*. (418)

9.69. Violent inmates held in administrative _____ cells primarily live in isolation from other prisoners. (418-419)

9.70. The Texas Commission on _____ Standards establishes standards for privately operated jails. (421)

9.71. Under Texas law, offenders who are at least 10 years of age but less than 17 years of age are generally treated as "_____ children" if they commit prohibited acts. (424)

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9.72. Texas law helps a crime _____ collect compensation for expenses incurred as a result of injuries suffered at the hands of criminals. (429)

F. Completion Questions on Readings (with textbook page numbers)

9.73. Successful completion of the Fort Bend County Drug Court's program results in no _____ record. (434)

9.74. Offenders in the Fort Bend Drug Court's program are helped in their recovery efforts by a group of _____. (435)

9.75. Rev. Tom Stoker believes that Diana Simone ought to be recognized as the _____ of the Amber Plan. (436)

9.76. With the help of law enforcement agencies, creation of the Amber Plan involved work by the Dallas/Fort Worth Association of _____ Managers. (437)

G. Essay Questions (with textbook page numbers)

1. Describe the organization and jurisdiction of each of the following lower-level courts in the Texas judicial pyramid—justice-of-the-peace courts, constitutional county courts, and county courts at law—and outline the terms of office, qualifications, and methods of selection for the judges in these courts. (382–388)
2. Describe the organization and jurisdiction of Texas's district-level courts and courts of appeals. In addition, describe the qualifications and methods of selection for judges of these courts. (388–391)
3. Compare Texas's Court of Criminal Appeals and the Supreme Court of Texas with regard to organization, personnel, and jurisdiction. (391–394)
4. Describe the role of the Commission on Judicial Conduct in disciplining Texas judges and justices. (394–395)
5. Write an essay entitled "Lawyers and the Legal Profession in Texas." Include in this essay problems involving legal services for the poor. (395–397)
6. Assume that you have been summoned as a prospective juror who may be selected for jury duty on a noncapital felony case to be tried in a Texas court. Describe the qualifications for jurors and explain the processes involved in selecting the jury, conducting the trial, determining guilt or innocence of the accused, and assessing punishment (if the defendant is convicted). (399–401 and 409–411)
7. Write an essay entitled "Capital Punishment Under Texas Law." In your essay, list six crimes punishable by death, and describe the process by which a jury determines whether a death sentence should be imposed. (405–409)

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8. Describe Texas's system for correction and rehabilitation of adult criminals who are confined in prison units and state felony jails throughout the state. (412–420)
9. Describe Texas's community-based programs for dealing with convicted adult criminals, and comment on some policy issues involving community supervision and parole. (421–424)
10. Write an essay entitled "A Survey of the Juvenile Justice System in Texas." Include descriptions of agencies, procedures, and institutions designed to deal with juvenile delinquents. In conclusion, express your opinions concerning the effectiveness of the state's juvenile justice policies. (424–427)
11. Discuss the issue of judicial selection, explaining different views on the Texas system of popular election (except for some municipal court judges) and alternative means of selection, such as that provided by the Missouri Plan. (428–429)
12. Using data in the How Do We Compare box at the top of page 392 of this chapter, rank the states in descending order according to annual salaries for the associate justices/judges of their highest courts. How does Texas rank?
13. Using data in the How Do We Compare box at the top of page 407 of this chapter, rank the states in descending order according to number of executions from 1976 through February 2003. Where does Texas rank?

III. Applying Your Knowledge

A. Outside Readings and Cartoons

1. From the endnotes for this chapter or from the updated bibliography of selected sources accessible through the Houghton Mifflin Political Science home page (politicalscience.college.hmco.com) choose a magazine article or journal article and write a summary of it.
2. From the endnotes for this chapter or from the updated bibliography of selected sources accessible through the Houghton Mifflin Political Science home page (politicalscience.college.hmco.com), choose a book and write a summary of one of its chapters.
3. Find an editorial that relates to Texas laws, courts, or correction policies. Summarize that editorial, and explain why you agree or disagree with the writer's point of view.
4. Find a newspaper article concerning Texas laws, courts, or correction policies. Summarize the article, and describe what you do and/or do not like about this piece of reporting.

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5. Interpret one of this chapter's cartoons (or another cartoon concerning laws, courts, and justice), and explain why you agree or disagree with the cartoonist's point of view.
6. Explore two or more of the Web sites listed among sources for this chapter. Then select one site and write a brief note outlining how its information contributes to your understanding of Texas law, courts, and justice.

B. Internet Research Project

Objectives

1. To introduce students to the legal information available at the University of Houston Law Center's People's Lawyer site.
2. To make students familiar with the Texas judiciary's web sites, visit the sites of the Texas Supreme Court and Court of Criminal Appeals, and note the gender make-up of Texas's highest courts.
2. To familiarize students with electronic mail.
3. To enhance student ability to research information from different hyperlinked sites and pages.

URLs http://www.law.uh.edu/peopleslawyer
http://www.courts.state.tx.us

Description of the Sites. The first site, The People's Lawyer, is intended to make the law accessible to those without legal background or training. The University of Houston Law Center maintains the site. Its features include a lawyer referral list for low-cost and pro bono legal services, links to other law-related sites, and a series of pages on legal topics authored by Professor Richard M. Alderman. Hyperlinks are also provided to a number of primary legal documents that include court decisions, statutes, and administrative regulations. Sites of interest to a particular group, such as senior citizens, are also hyperlinked.

Information is available on "The People's Law School," a biannual program offered free to the general public at the University of Houston Law Center. The purpose of the project is to make the law "user friendly." Classes are offered on criminal law, family law, suing in small claims court, landlord/tenant law, and similar areas of the law that affect individuals on a daily basis. If you are unable to attend these classes, the site also has an option for you. Professor Alderman has written a number of articles on legal topics including suing in small claims court, living wills, and tenant rights. Further, he has answered questions about typical legal problems that people have. If you have a question that has not been previously answered, you can submit your inquiry to Professor Alderman by e-mail. His e-mail address is available on the site. Topics are added frequently, so many more legal issues may be addressed by the time you review the site.

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The second site, Texas Judiciary Online, is a state judicial system web page. It is a project of the Judicial Committee on Information Technology and the Office of Court Administration. This site serves as a home page for the Texas courts and judicial agencies, providing links to federal courts and other legal resources.

The internet is a dynamic, ever-changing environment. If any of the links and instructions need to be adjusted, consult the textbook web site for updates of this exercise (http://college.hmco.com/polisci/brown/prac_tex_pol/12e/students/index.html).

Use of Information. Begin at the home page for The People's Lawyer web site (http://www.law.uh.edu/peopleslawyer). Answer the following questions based on information that you find by moving among the hyperlinked pages and sites.

1. Click on the hypertext "Common Q and A's." Open the drop-down menu and Go to the word Miscellaneous. Review the list of topics, paying special attention to the words used in each question. Can my bank charge for a bounced check?

2. Click on the "Back" icon and choose "Family/Divorce" from the drop down menu. Go there. How can a seventeen-year-old legally move out if the parents object?

3. Click on the "Back" icon, and choose "Real Estate/Landlord/Tenant." Go there. Who must pay for the batteries in a smoke detector—the landlord or the tenant?

4. Go to the bottom of the page and click on the hypertext "Back to the People's Lawyer Homepage." Click on the hypertext "Death and Dying Issues." Go to that portion of the page that discusses the Medical Power of Attorney. Click on "Medical Power of Attorney for Health Care." Many people who have living wills also have a medical power of attorney. What is the purpose of a medical power of attorney?

5. Click on the "Back" icon. Go to the bottom of the page and click on the hypertext "Back to the People's Lawyer Homepage." You should now be on the home page. Click on the hypertext "Small Claims Court," and then on "What Do I Do After I Win." If you win a suit in small claims court and the defen-

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dant does not pay, what are two things you can do to try to collect your judgment?

(1) _____

(2) _____

6. We also want to look at the two highest state courts in Texas. Go to Texas Judiciary Online (http://www.courts.state.tx.us). Then click on "TJ Online Home." Click on "Supreme Court of Texas" link on the bottom of the page. Locate the button labeled "Justices" and click it.
 a. How many female Supreme Court justices are there?

 b. How many male Supreme Court justices are there?

7. Click on the "Back" icon twice. You should now be back on the Texas Judiciary on-line homepage. Click on "Court of Criminal Appeals" link on the bottom of the page. Click on the hypertext "Judges."
 a. How many female members of the Court of Criminal Appeals are there?

 b. How many male members of the Court of Criminal Appeals are there?

Internet Research Tip. Two ways to reach Richard Alderman with your legal questions are included in this site. One is by "snail mail," or postal mail. The other is by electronic mail, or e-mail. Electronic mail has been the leading use of the Internet, providing a quick and efficient way to contact anyone else in the world who also has e-mail. You need a computer, an e-mail address, and a connection to the Internet to use electronic mail. Your college or university may provide its students with e-mail accounts. Most Internet service providers (private companies that offer Internet access to individuals) include electronic mail as one of their benefits.

The e-mail form provided at this site includes the information Alderman requires for legal questions. You must include your street address and your e-mail address. When you click on the "Submit Question" bar, your request is automatically sent to him. His e-mail address is also included on the web page. The address can be divided into a user name **(peopleslawyer)**, the connector "at" (**@**), a server name **(www.law.uh)**, and a domain name **(.edu)**. No spaces are used in an address. Some addresses include an underscore character (_). Again, a space is not substituted for this character. If you are unable to remember an e-mail address, ask the individual to send you electronic mail. You can capture the other person's address from that message.

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Answers

True-False: Text

9.1. F
9.2. F
9.3. F
9.4. T
9.5. F
9.6. F
9.7. T
9.8. T
9.9. F
9.10. T
9.11. F
9.12. F
9.13. T
9.14. F
9.15. T
9.16. F
9.17. T
9.18. T
9.19. F
9.20. F
9.21. T
9.22. T
9.23. T

True-False: Readings

9.24. T
9.25. T
9.26. F
9.27. T

Multiple-Choice: Text

9.28. c
9.29. a
9.30. b
9.31. c
9.32. c
9.33. b
9.34. c
9.35. c
9.36. d
9.37. c
9.38. a
9.39. b
9.40. d
9.41. d
9.42. b
9.43. d
9.44. a
9.45. c
9.46. d
9.47. b
9.48. a
9.49. c

Multiple-Choice: Readings

9.50. a
9.51. a
9.52. b
9.53. a

Completion: Text

9.54. criminal
9.55. magistrates
9.56. 2,000
9.57. eight
9.58. law
9.59. probate
9.60. civil
9.61. appeals
9.62. Criminal
9.63. ethics
9.64. foreman
9.65. plaintiff
9.66. unanimous
9.67. Jail
9.68. Ruiz
9.69. segregation
9.70. Jail
9.71. delinquent
9.72. victim

Completion: Readings

9.73. criminal
9.74. peers
9.75. mother
9.76. Radio

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CHAPTER TEN

Revenues, Expenditures, and Fiscal Policy

I. Preparing to Study

A. Performance Objectives

After studying and reviewing the text and readings in this chapter, you will be able to:

1. Identify important changes in the Texas economy from the 1980s to the early years of the twenty-first century.
2. Describe important demands and pressures that have influenced the formulation of state fiscal policies regarding public schools, highways, prisons, and welfare programs.
3. Outline traditional Texas policies on budgeting, taxing, and spending.
4. Outline the principal steps in preparing, adopting, and implementing a budget for the state of Texas.
5. Identify the principal agencies of Texas state government with special responsibilities for collecting taxes, investing public funds, making and supervising state purchases, overseeing the management of the state's money, and auditing state accounts.
6. Identify the principal sources of state tax revenues (excluding gambling revenues) under Texas law, and describe the relative importance of each.
7. Describe the forms of legalized gambling in Texas, and note the relative importance of each as a source of state revenue.
8. Identify the principal sources of state nontax revenues under Texas law, and describe the relative importance of each.
9. Discuss Texas's bonded indebtedness, giving special attention to the different types of state bonds.
10. Illustrate and describe the politics of public spending in Texas for public schools, colleges, and universities.
11. Illustrate and describe the politics of public spending for human services, public transportation, and public safety.

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B. Overview of the Text (pp. 440–483)

Fiscal policy concerns taxing, spending, borrowing, and managing the state government's money.

Looking Back (pp. 440–442). Texas entered the twentieth century with an economy that was primarily based on cattle and cotton. Then oil became an economic mainstay for Texas business and provided large amounts of revenue for state government. After devastating drops in oil prices during the 1980s, the Texas economy became more diversified. Many workers took jobs in the service sector, and state government became increasingly dependent on sales tax revenue. Meanwhile, policymakers faced the following problems: continuing population growth; increasing numbers of poor families; rising costs of education, medical care, and prisons; mandates for more public spending; and continuing revenue shortfalls.

In the last years of the twentieth century, the Texas economy was healthier than that of the nation as a whole. By the opening of the twenty-first century, however, Texas was experiencing the same economic ills that plagued other parts of the country. Thus, legislators and other state officials were confronted with a wide range of critical problems that included the following: declining lottery profits, decreasing revenue from tobacco taxes, expanding tax-free e-commerce, rising demands for a better-educated workforce, swelling costs of medical treatment for the prison population, and increasing needs for social services for all aging Texans.

Enduring Policy Issues (pp. 442–446). Four major issues attracted the attention of Texans from the 1980s to 2003: equalizing funding between the richest and the poorest school districts, meeting funding requirements for highway maintenance and construction despite insufficient appropriations and increased highway deterioration, housing a large prison population, and deciding who among the poor would receive welfare assistance and how much.

Traditional Fiscal Policies (pp. 446–450). Trying to respond to fiscal crises, Texas's policymakers have struggled to operate the state's government on a balanced budget while seeking to keep a low level of taxation and to hold down public spending.

Politics of Budgeting and Fiscal Management (pp. 450–458). Planning and supervising state expenditures involve preparing and adopting the state budget, accounting for state funds, purchasing equipment and supplies for state agencies, and auditing records of receipts and expenditures. The comptroller of public accounts is the state's chief tax collector, but various taxes and fees are collected in other departments. Administration of the Texas lottery is the responsibility of the Texas Lottery Commission.

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Politics of Revenue and Debt Management (pp. 458–472). Sales taxes account for the largest portion of state tax revenue in Texas. The state imposes not only a general sales tax but also selective sales taxes on such items as motor fuels, alcoholic beverages, cigarettes, and motor vehicles. Business taxes include taxes on corporate franchises, gross receipts, and extraction of certain minerals (such as severance taxes on production of oil and natural gas). Nevertheless, the tax burden of Texans is lighter than the national average.

Revenue is collected by the state from three types of gambling operations: horse and dog racing, a state-managed lottery, and bingo. Texas's nontax revenues include federal grants-in-aid, money borrowed by selling bonds, income from state-owned land, damages paid to the state by tobacco companies, and revenue from miscellaneous sources.

Through constitutional amendments, Texans have authorized the sale of self-liquidating revenue bonds and limited-obligation bonds to finance the purchase of homes as well as farms and ranches by veterans, to provide loans to college and university students, to build new prisons, and to construct university buildings. Projects financed with bond money must be approved by the Texas Legislature and by the five-member Texas Bond Review Board.

Politics of Spending (pp. 472–482). For many years, state expenditures for education have exceeded those for other budget items. Public education for more than 4 million school children (kindergarten through high school) is largely administered by more than a thousand locally elected school boards. Attempts to equalize opportunities for Texas children to obtain an adequate public school education have produced a succession of legislative acts and judicial rulings, but unresolved problems remain. Meanwhile, enrollments in institutions of public education at all levels (including community colleges and state universities) require the annual expenditure of many billions of dollars of state funds.

Although the federal government now makes all direct-assistance payments to the blind, the permanently and totally disabled, and people receiving old-age assistance, Texas is responsible for administering Temporary Assistance for Needy Families (TANF). Expenditures for health and human services constitute the state's second largest budget item, followed by highway construction and maintenance. Spending on prisons increased significantly during the 1990s.

Looking Ahead (pp. 482–483). Although "no new taxes" and budget slashing were fiscal policies of Governor Rick Perry and the GOP-controlled legislature in 2003, policies for the future are likely to feature new taxes, increases in some tax rates, more state responsibility for programs jointly funded with the federal government, and deferral of capital construction, maintenance, and renovation. Much will depend on the state's economic circumstance as affected by national and international

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developments beyond the control of Texas policymakers. Fiscal crises are inevitable and will test the ability of state officials to respond with appropriate taxing, spending, and borrowing.

C. Key Terms (with textbook page numbers)

fiscal policy (440)
service-sector jobs (441)
Robin Hood plan (442)
underemployment (445)
Children's Health Insurance Program (CHIP) (445)
balanced budget (447)
casual deficit (447)
General Revenue Fund (447)
regressive taxes (448)
progressive taxes (448)
fiscal management process (450)
budget (450)
Legislative Budget Board (LBB) (450)
current-services based budget (451)
fiscal notes (451)
dual budgeting system (454)
budget execution (454)
special fund (457)
cash accounting (457)
state auditor (458)
tax (458)
selective sales tax (459)
general sales tax (460)
sin tax (461)
general business tax (462)
selective business tax (462)
corporate franchise tax (462)
payroll tax (462)
severance tax (463)
crude oil production tax (463)
gas gathering tax (463)
gross receipts tax (463)
gross premium tax (463)
insurance administration tax (463)
death tax (463)
grant-in-aid (467)
securitization (469)
bonded debt (471)
"rainy day" fund (472)
Texas Mobility Fund (472)
functional expenditure (473)
objective expenditure (473)
Texas Tomorrow Fund (477)
TEXAS Grants Program (477)
income maintenance program (478)
welfare (479)

D. Overview of the Readings (pp. 487–494)

10.1. "Governor Perry's Fiscal Years 2004–2005 Budget: Two Opposing Views" (pp. 487–494)

This reading consists of two parts. In Part 10.1A, Republican governor Rick Perry defends his zero-based budget. In Part 10.1B, Representative Paul Moreno (D-El Paso) provides harsh criticism of the governor's action.

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10.1A. "Bottom Line on Why My Budget for Texas Starts at Zero" by Rick Perry (pp. 487–490)

In January 2003, Governor Perry submitted a zero-based budget to the Texas Legislature. Instead of recommending spending amounts for state agencies and their programs, Perry's budget had a zero for each item. He explains that this approach will require state agencies to "scrutinize their budgets line by line" and justify every expense. Instead of funding programs simply because an agency has received money in previous budgets, the governor insists that the legislature must focus on the core responsibilities of government and prioritize spending in order to balance the budget without tax increases or new taxes.

10.1B. "Perry Gets Big Zero for Zero-Based Budget Ploy" by Paul Moreno (pp. 489–490)

Representative Paul Moreno takes Governor Perry to task for presenting the legislature with a budget calling for zero spending in every category—public education, higher education, teachers' health insurance, and all other functions of government. In brief, he criticizes Perry and other Republican leaders for action he describes as "grandstanding," "a stunt," a "political ploy." According to Moreno, Perry disregarded a provision of the Texas Constitution that requires the governor, "at the commencement of each regular session," to "present estimates of the amount of money required to be raised by taxation for all purposes." In conclusion, he faults Perry for lack of leadership and condemns the zero-based budget as "all symbol and zero substance."

10.2. "Pediatrician Views Health Care Through Eyes of the Future" by Jeannie Kever (pp. 490–494)

At Houston's Ben Taub Hospital, pediatrician Ana Malinow daily comes face to face with the shortcomings of public health programs in Texas. She sees patients—children—whose parents have no other health care option. This leads some parents to wait until a problem becomes an emergency, to skimp on prescriptions that they cannot afford, and to burden the emergency room with such basic health care procedures as childhood vaccinations. While Malinow treats her young patients as well as the severely overburdened system allows, she also fights to change the system. She is co-founder of the Texas chapter of Health Care for All, an activist in the Green Party, and a volunteer at Casa Juan Diego, which serves a largely immigrant population. With 750,000 uninsured people in Harris County, or one of every 32 uninsured Americans, Malinow's goal of health care for all is a continuing struggle against great obstacles. But it a mission she has chosen.

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II. Testing Your Knowledge

A. True-False Questions on Text Material (with textbook page numbers)

_____ 10.1. Since the adoption of the Texas Constitution of 1876, state fiscal policy has been dominated by the notion of a balanced budget. (440)

_____ 10.2. Texas has statutory and constitutional provisions requiring the state government to operate on a pay-as-you-go basis. (447)

_____ 10.3. For each regular session, the Legislative Budget Board and staff prepare a state budget and help the legislature draft a general appropriation bill. (451)

_____ 10.4. There are no limits on the budget-execution authority of the governor of Texas. (454)

_____ 10.5. The Council on Competitive Government measures the performance of Texas agencies against similar agencies in other state governments. (457)

_____ 10.6. Texas state government bases its financial operations on an accounting system whereby expenditures are entered when obligations are incurred rather than when money is actually paid. (457)

_____ 10.7. A government tax is a compulsory contribution for a public purpose. (458)

_____ 10.8. Texas sales taxes account for more than half of the state's annual tax revenue. (459)

_____ 10.9. Although Texas has a general sales tax, some items are exempted from taxation. (460)

_____ 10.10. Because the state relies heavily on revenues from sales taxes, Texas businesses have almost totally escaped state taxation. (462)

_____ 10.11. Texas taxpayers carry a tax burden that is lighter than the national average. (464)

_____ 10.12. Texas imposes a tax on horse-racing bets but *not* dog-racing bets. (465)

_____ 10.13. State governments are legally required to participate in all federal grant programs. (467)

_____ 10.14. Early in 1998, the American tobacco industry settled a lawsuit filed in 1996 by Governor George W. Bush. (469)

_____ 10.15. Although the Texas Constitution calls for pay-as-you-go financing of state government, bonded indebtedness has been authorized by constitutional amendments. (471)

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_____ 10.16. Among Texas's self-liquidating bond issues is one that supports a college student loan fund. (471)

_____ 10.17. The Texas Tomorrow Funds allow prisoners to lock in the cost of cells and meals at prison units administered by the Texas Department of Criminal Justice. (477)

_____ 10.18. Direct payments for old-age assistance, aid to the blind, and aid to the permanently and totally disabled are the responsibility of the U.S. Social Security Administration. (479)

_____ 10.19. The Texas Department of Public Safety performs routine highway patrol functions and helps local law enforcement officers handle major crimes. (481)

_____ 10.20. Administrative costs of Texas state government amount to about 20 percent of the total. (482)

B. True-False Questions on Readings (with textbook page numbers)

_____ 10.21. In January 2003, Governor Rick Perry gave the 78th Legislature a budget that provided for exactly the same amounts that had been appropriated for state agencies the 2002–2003 budget. (488)

_____ 10.22. Representative Paul Moreno charged that Governor Rick Perry's budgetary action in January 2003 failed to meet requirements of the Texas Constitution. (490)

_____ 10.23. Dr. Ana Malinow condemns Health Care for All as "failed socialism." (491)

_____ 10.24. About one in thirty-two Americans without health insurance live in the Houston area, which includes Harris and adjoining counties. (492)

C. Multiple-Choice Questions on Text Material (with textbook page numbers)

_____ 10.25. Over the next few years, about 80 percent of nonagricultural employment in Texas will be provided by jobs in (441)

a. manufacturing.
b. construction.
c. oil and gas production.
d. the service sector.

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_____ 10.26. Unless approved by a four-fifths vote in both houses of the Texas Legislature, an appropriation bill may not authorize the spending of more money than the cash on hand and revenue anticipated by the (447)

a. treasurer.
b. lieutenant governor.
c. secretary of state.
d. comptroller of public accounts.

_____ 10.27. Texans have demonstrated their greatest support for state spending for (449)

a. welfare programs.
b. recreational facilities.
c. highways and roads.
d. art and music.

_____ 10.28. In addition to receiving a plan of financial operation from the Legislative Budget Board, the Texas Legislature is supposed to receive another proposed budget from (451)

a. the Judicial Budget Office.
b. the Office of the State Treasurer.
c. the Governor's Office of Budget, Planning and Policy.
d. the Comptroller's Office.

_____ 10.29. Budget-preparation involves development of (452)

a. itemized spending directives.
b. an auditor's report.
c. a tax proposal.
d. a long-term strategic plan.

_____ 10.30. More than 90 percent of Texas's state taxes are collected by the (455)

a. Department of Public Safety.
b. Alcoholic Beverage Commission.
c. State Board of Insurance.
d. comptroller of public accounts.

_____ 10.31. The basic function of the state auditor is to provide the Texas Legislature with a check on the integrity and efficiency of (458)

a. the executive branch of state government.
b. the Legislative Budget Board.
c. the judicial branch of state government.
d. units of local government.

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_____ 10.32. For Texas state government, the most important single source of tax revenue is taxation on (459)

a. personal income.
b. sales.
c. real estate.
d. services.

_____ 10.33. State taxes on cigarettes and other tobacco products, mixed drinks, and alcoholic beverages are called (461)

a. death taxes.
b. recreation taxes.
c. high-life taxes.
d. sin taxes.

_____ 10.34. A payroll tax is levied for the purpose of insuring workers against (462)

a. illness.
b. foreign competition.
c. unemployment.
d. old age.

_____ 10.35. The Texas crude oil production tax and the gas gathering tax are (463)

a. severance taxes.
b. motor fuel taxes.
c. income taxes.
d. sales taxes.

_____ 10.36. All profits from the Texas lottery are dedicated to (466)

a. community colleges.
b. state universities.
c. public education.
d. Native American reservations.

_____ 10.37. Under Texas law, bingo games are permitted for the purpose of benefiting (466)

a. charities.
b. professional gamblers.
c. children too young to bet on dogs and horses.
d. farmers and ranchers.

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_____ 10.38. The tobacco settlement of 1998 is supposed to compensate for costs incurred by the state of Texas for tobacco-related (469)

a. advertising.
b. crime.
c. drug abuse.
d. illnesses.

_____ 10.39. Most of the money that has been invested by the state of Texas consists of (470)

a. trust funds.
b. a "rainy day" fund.
c. political slush funds.
d. federal grant-in-aid funds.

_____ 10.40. Sale of bonds is a way the state of Texas can (471)

a. invest money.
b. coin or print money.
c. borrow money.
d. obtain grants-in-aid.

_____ 10.41. Because it will be retired with loan repayments, a veterans land bond is classified as a (471)

a. limited obligation bond.
b. junk bond.
c. self-liquidating revenue bond.
d. general obligation bond.

_____ 10.42. Bonds issued by or on behalf of the state of Texas must be approved by (472)

a. the comptroller of public accounts and the auditor.
b. the governor and the secretary of state.
c. the Legislative Budget Board.
d. the Texas Bond Review Board.

_____ 10.43. Under Texas's Foundation School Program, each school system's local share—for the cost of salaries, transportation, and operating expenses—is based primarily on (475)

a. the market value of taxable property in the school district.
b. average daily attendance of pupils in the district.
c. local economic conditions.
d. types of students.

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_____ 10.44. State financing for public community or junior colleges is based on hours of contact between (476)

a. administrators and instructors.
b. students and instructors.
c. administrators and students.
d. students and staff.

_____ 10.45. Revenue from Permanent University Fund investments is shared by (476)

a. all public institutions of higher education in Texas.
b. all public universities and technical colleges in Texas.
c. all public universities in Texas.
d. the University of Texas and Texas A&M University systems.

_____ 10.46. To meet one requirement for financial assistance through the Texas Grant program, a college or university student must (477)

a. have graduated in the top 10 percent of his or her high school class.
b. have a 3.5 GPA for his or her freshman year of higher education.
c. be bilingual.
d. show financial need.

_____ 10.47. Teach for Texas grants (converted to student loan repayment assistance by the 78th Legislature in 2003) were created for eligible students who teach after graduating for (478)

a. 1 year.
b. 3 years.
c. 5 years.
d. 10 years.

_____ 10.48. Texas leads the nation with the highest percentage of (480)

a. undocumented immigrants.
b. uninsured children.
c. elderly persons.
d. people with AIDS.

_____ 10.49. Texas's transportation policy encourages motor vehicle use to the detriment of other forms of transportation—especially (480)

a. mass transit systems.
b. bicycle riding in urban areas.
c. hiking in rural areas.
d. using boats and barges on rivers and canals.

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_____ 10.50. Federal aid to states for their highway programs is dedicated primarily to (481)

a. construction.
b. maintenance.
c. operating expenses.
d. security.

_____ 10.51. The Texas Department of Criminal Justice operates (481)

a. prison units and state felony jails.
b. a law enforcement department.
c. a court system.
d. special schools and homes for juvenile delinquents.

D. Multiple-Choice Questions on Readings (with textbook page numbers)

_____ 10.52. Governor Rick Perry explains that his budget plan submitted to the 78th Legislature in January 2003 (487)

a. starts at zero.
b. covers functional expenditures.
c. covers objective expenditures.
d. is a "bare-bones" budget.

_____ 10.53. Representative Paul Moreno describes the budget submitted to the legislature by Governor Perry in 2003 as (490)

a. extravagant and ill conceived.
b. all symbol and zero substance.
c. well intentioned but inadequate.
d. something from "the pit of Hell."

_____ 10.54. Along with her hospital work in Houston, Dr. Ana Malinow is an assistant professor at (491)

a. the University of Houston.
b. Rice University.
c. Cy-Fair Community College.
d. Baylor College of Medicine.

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_____ 10.55. Dr. Ana Malinow, a pediatrician at Ben Taub Hospital, is an activist in the (491)

a. Libertarian Party.
b. Democratic Party.
c. Reform Party.
d. Green Party.

E. Completion Questions on Text Material (with textbook page numbers)

10.56. Public policy that concerns taxes, government spending, public debt, and management of government money is termed _____ policy. (440)

10.57. The Robin Hood plan was designed to correct funding inequities between the state's richest and poorest _____ districts. (442)

10.58. Although there are more than 400 funds in the Texas government's treasury, the fund that is most crucial for the state's fiscal health is the _____ Revenue Fund. (447)

10.59. When there has been a need for more state revenue, Texans have indicated a general preference for taxes that are classified as _____, because the tax burden decreases as personal income increases. (448)

10.60. The fiscal management process in Texas state government begins with a budget and ends with a(n) _____. (450)

10.61. The fiscal year for Texas state government begins on the first day of _____. (450)

10.62. Each state agency requesting appropriated funds from the Texas Legislature must submit a strategic operating plan to cover a period of _____ years. (452)

10.63. Agencies of Texas state government must make purchases through or under the supervision of the Texas Building and _____ Commission. (456)

10.64. Texas's general sales tax rate, 6.25 per cent, is one of the _____ in the 45 states that have such a tax. (460)

10.65. An excise tax levied on a natural resource when it is removed from the earth is called a _____ tax. (463)

10.66. The state of Texas collects a _____ percent tax on bingo prizes. (466)

10.67. Taxes amount to _____ than 50 percent of all Texas state revenue. (466)

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10.68. To prevent or eliminate temporary cash deficiencies in the General Revenue Fund, the Texas Legislature established what is popularly called the "_____ day" fund. (472)

10.69. In general, the Foundation School Program sets minimum _____ for various areas of public school operations. (475)

10.70. Revenue raised locally by a school district is based primarily on the market value of taxable _____ within the district. (475)

10.71. Texas's *Lone Star Card* is used to deliver _____ stamp assistance to poor people who qualify for such aid. (479)

10.72. Historically, responsibility for protecting persons and property and for other public _____ programs was first delegated to local governments in Texas. (481)

F. Completion Questions on Readings (with textbook page numbers)

10. 73. Concerning state spending, Governor Rick Perry insists that vital state services must be provided without increasing the burden on Texas _____. (488)

10.74. Representative Paul Moreno disputes Governor Perry's contention that in making the state's budget, "_____ is on the table." (490)

10.75. Dr. Ana Malinow is one of the eight Texas members of _____ for a National Health Program. (492)

10.76. Dr. Ana Malinow describes her work as a pediatrician at Ben Taub Hospital as a _____. (494)

G. Essay Questions (with textbook page numbers)

1. Outline important changes in the Texas economy from the 1980s to early years of the twenty-first century, and explain how these changes have affected the state's fiscal policies. (440–442)
2. Identify and comment on Texas's enduring fiscal policy issues in the areas of public schools, highways, prisons, and welfare programs. (442–446)
3. Identify three basic principles that traditionally have shaped Texas fiscal policies, and comment on the consequences of these policies. (446–450)
4. Write an essay entitled "State Budgeting in Texas." Describe how the budget is prepared, how it is adopted, and how it is executed. Illustrate this budget process by drawing a diagram of the Texas budget process. (450–455)

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5. Identify the Texas government agency that is most directly involved in each of the following functions: tax collection, lottery supervision, investment of public funds, state purchasing, accounting, and auditing state accounts. In addition, describe each function and explain its importance in giving Texans honest, efficient, economical government at the state level. (455–458)
6. Write an essay entitled "General and Selective Sales Taxes in Texas." Comment on their importance in terms of revenues produced and present arguments supporting *or* opposing any or all of these taxes. (458–462)
7. Write an essay entitled "Business Taxes in Texas." Identify the principal taxes, and explain the importance of each tax as a source of revenue and as a factor that influences the economic development of the state. (462–464)
8. Write an essay entitled "State Revenue from Gambling in Texas." In this essay, describe the forms of legalized gambling, and note the relative importance of state revenue from each. In conclusion, give arguments for and against legalization of each of these forms of gambling. (464–466)
9. Write an essay on "Nontax Revenue for the State of Texas." Describe sources of this revenue, and comment on the relative importance of each source for balancing the state budget. (466–470)
10. Write an essay entitled "The State Government's Public Debt in Texas." Explain how the state has acquired a debt despite the Texas Constitution's "pay-as-you-go" requirement, and give arguments for and against state borrowing by issuing bonds. (470–472)
11. Using public schools (kindergarten through high school) *or* public higher education (community colleges, state universities, and state technical colleges) as your subject, write an essay in which you discuss recent problems and achievements in financing Texas governmental operations in that area. (474–478)
12. Using data in the How Do We Compare box at the top of page 461 of this chapter, rank the eight states in descending order according to amount of revenue lost from Internet sales in 2001. How does Texas rank?
13. Using data in the How Do We Compare box at the top of page 473 of this chapter, rank the eight states in descending order according to per capita expenditure for education in FY2000. How does Texas rank?

III. Applying Your Knowledge

A. Outside Readings and Cartoons

1. From the endnotes for this chapter or from the updated bibliography of selected sources accessible through the Houghton Mifflin Political Science

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home page (politicalscience.college.hmco.com), choose a magazine article or journal article and write a summary of it.

2. From the endnotes for this chapter of from the updated bibliography of selected sources accessible through the Houghton Mifflin Political Science home page (politicalscience.college.hmco.com), choose a book and write a summary of one of its chapters.
3. In a newspaper, find an editorial concerning state fiscal policy. Summarize that editorial, and explain why you agree or disagree with the writer's point of view.
4. Find a newspaper article concerning state fiscal policy. Summarize the article, and describe what you do and/or do not like about this piece of reporting.
5. Interpret one of this chapter's cartoons (or another cartoon) concerning state fiscal policy, and explain why you agree or disagree with the cartoonist's point of view.
6. Explore two or more of the web sites listed among sources for this chapter. Then select one site and write a brief note outlining how its information contributes to your understanding of state fiscal policy.

B. Internet Research Project

Objectives

1. To increase student understanding of the role of the Office of the Comptroller of Public Accounts in the state budgetary process.
2. To familiarize students with the changing sources of state revenue.
3. To enhance student awareness of state spending priorities.
4. To become aware of the free publications provided by the Office of the Comptroller.
5. To further increase student understanding of distinctions between search engines and directories and the use of parallel search services.

URL. http://www.window.state.tx.us

Description of the Site. The Research Division of the Office of the Comptroller of Public Accounts is responsible for providing information to the Texas Legislature on the financial condition of the state at the end of each fiscal year. Every two years, when the legislature is in regular session, it must also prepare estimates of projected revenue for the legislature's use in preparing the biennial state budget. This information is critical to the state budgeting process. The Texas Constitution mandates that the legislature can only spend as much money as the comptroller has certified will be available.

This web site is maintained by the Office of the Comptroller of Public Accounts and includes the required biennial revenue estimate. It also contains histori-

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cal information on Texas's economy. State spending for each fiscal year since 1978 is categorized by governmental function. Sources of state revenue are identified, and the dollar amount produced by each type of income is provided.

The Internet is a dynamic, ever-changing environment. If any of the links and instructions need to be adjusted please consult the textbook website for updates of this exercise (http://college.hmco.com/polisci/brown/prac_tex_pol/12e/students/index.html).

Use of Information. For this exercise, you will review state revenue, state spending, and the most recent Biennial Revenue Estimate prepared by the Office of the Comptroller. Based on this information, you are to answer a series of questions.

1. Go to the comptroller's home page (http://www.window.state.tx.us).
2. Locate the "Quick Links" list. Click on the hyperlink "Site Map." This will take you to an index of all topics available at this site.
3. Click on the hyperlink "Texas Taxes."
4. Scroll to the subsection called "Revenue and Budget." The most recent "Biennial Revenue Estimate," "Texas Revenue History by Source," and "Texas Expenditure History by Function" are all listed in hypertext in this subsection.
5. Click on "Texas Revenue History by Source." You should now be on the page that identifies Texas's revenue by source beginning with the most current year.
6. Scroll to "Revenue by Source—Fiscal 1990." Identify the top three sources of income to the state by percentage of total income in 1990, Rank these sources, listing them and their percent of total income.

 (1) _____
 (2) _____
 (3) _____

7. Scroll back to the top of the page. Identify the top three sources of income to the state by percentage of total income for the most recent year available, and rank them. List them and their percent of total income.

 (1) _____
 (2) _____
 (3) _____

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8. What changes have there been in the top sources of income since 1990?

9. The oil and gas industries were once a major source of revenue for the state. Sum the percent of state revenue that came from "Natural Gas Production Tax" and "Oil Production and Regulation Taxes" for 1978. Do the same for 1990 and for the most recent year. Report these data below:

 a. _____
 b. _____
 c. _____

 What trend do you see in the importance of oil and gas taxes for state revenues?

10. Click on the "Back" icon to return to the Site Map. Scroll down to "Tax and Budget," and click on "Texas Expenditure History by Function." This page also begins with the most recent year's information and extends back to 1978.

11. Scroll to "Expenditures by Function—Fiscal 1990." Identify the state's top five spending categories by percentage of total expenditures in 1990 and rank them. List them and their percent of total income.

 (1) _____
 (2) _____
 (3) _____
 (4) _____
 (5) _____

12. Scroll up the page to the most recent fiscal year. Identify the state's top five spending categories by percentage of total expenditures, and rank them. List them and their percent of total income.

 (1) _____
 (2) _____
 (3) _____
 (4) _____
 (5) _____

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13. If the amount of money legislators are willing to spend on a category of governmental goods and services reflects how important that good or service is to the citizens of Texas, what trends can you identify in state spending priorities since 1990?

14. Click on the "Back" icon to return to the "Site Map." Scroll to "Revenue and Budget." Click on the most recent "Biennial Revenue Estimate." Scroll down to the "Revenue Overview" hyperlink and click on it. How much money does the comptroller believe will be available for general spending by the legislature over that biennium?

15. Go to the bottom of the page and click on the hyperlink "Window on State Government." You are now back on the Comptroller's homepage. Click on "Publications." Here you can see there are many articles dealing with Education, Economy, State Government, Local Government, and Revenue and the Budget.

16. There is also a list of Periodicals published by the state. Click on "Fiscal Notes." Then click on the link "On-line Subscription Form." Scroll down the form to the list of publications to which you can subscribe for free. What are the titles of the first three publications listed?

a. _____

b. _____

c. _____

Internet Research Tip. Information on the Internet is so vast and growing at such a rapid pace that the use of search engines and directories is required to conduct efficient research. Generally, these research tools connect only to the World Wide Web, although some do connect to other Internet resources. A search engine is a computer program that can search a database of Internet resources. Computer programs that search the Internet to identify and catalogue sites often compile it. Examples of search engines include AltaVista <http://altavista.digital.com>, Excite <http://www.excite.com>, and WebCrawler <http://www.webcrawler.com>.

Researchers and editors who select Web pages they believe to be useful compile directories. This information is then indexed by subject categories. Examples of directories include Yahoo! <http://www.yahoo.com>, Magellan <http://www.mckinley.com/>, and Google <http://www.google. com/>. Search en-

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gines and directories are becoming more similar, as both query-driven and subject-driven searches can often be conducted on either.

As noted in Chapter 3 of this *Study Guide,* for more complete results a user should perform both query-driven and subject-driven searches on a number of search engines and directories. It is possible to conduct parallel searches on both search engines and directories by using a search service such as MetaCrawler <http://www.metacrawler.com>. MetaCrawler does not maintain its own database. It submits requests to a number of services and directories. This method gives the user simultaneous access to multiple databases. Responses are returned to MetaCrawler, which then formats them and rates them according to relevancy. Combining the relevancy scores provided by the different engines and directories for each site or page, MetaCrawler then ranks the sites and returns them to the user. Although MetaCrawler is slower than other search engines, consider how long it would take to conduct multiple individual searches by going to each of the services and directories accessed by MetaCrawler

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Answers

True-False: Text

10.1. T
10.2. T
10.3. T
10.4. F
10.5. F
10.6. F
10.7. T
10.8. T
10.9. T
10.10. F
10.11. T
10.12. F
10.13. F
10.14. F
10.15. T
10.16. T
10.17. F
10.18. T
10.19. T
10.20. F

True-False: Readings

10.21. F
10.22. T
10.23. F
10.24. T

Multiple-Choice: Text

10.25. d
10.26. d
10.27. c
10.28, c
10.29. d
10.30. d
10.31. a
10.32. b
10.33. d
10.34. c
10.35. a
10.36. c
10.37. a
10.38. d
10.39. a
10.40. c
10.41. c
10.42. d
10.43. a
10.44. b
10.45. d
10.46. d
10.47. c
10.48. b
10.49. a
10.50. a
10.51. a

Multiple-Choice: Readings

10.52. a
10.53. b
10.54. d
10.55. d

Completion: Text

10.56. fiscal
10.57. school
10.58. General
10.59. regressive
10.60. audit
10.61. September
10.62. five
10.63. Procurement
10.64. highest
10.65. severance
10.66. 5
10.67. less
10.68. rainy
10.69. standards
10.70. property
10.71. food
10.72. safety

Completion: Readings

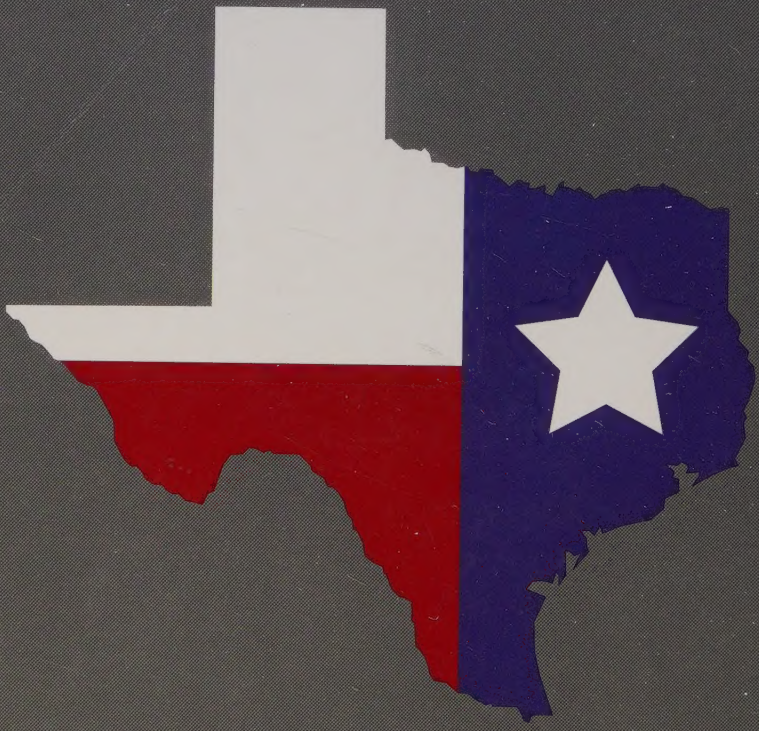
10.73. taxpayers
10.74. everything
10.75. Physicians
10.76. mission

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